



Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Forty-second Meeting Day

Tuesday Morning

April 8, 2003

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Minister Darren McCormick, Syria Christian Church, Orleans, the guest of Representative Jerry L. Denbo.

The Pledge of Allegiance to the Flag was led by Representative Denbo.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount ☐
Koch	Mr. Speaker

Roll Call 468: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

The House stood for a moment of silence in memory of Marine Sergeant Duane Rios of Griffith, Indiana, who was killed near Baghdad, Iraq on Saturday.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, April 9, 2003, at 10:00a.m.

MAHERN

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1001 and 1092 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 50 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:05 p.m. with the Speaker in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 35, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, delete "July 1, 2005;" and insert "**January 1, 2006;**".

Page 1, line 15, delete "July 1, 2005" and insert "**January 1, 2006;**".

Page 1, line 15, after "before" delete "July" and insert "**January 1, 2008;**".

Page 1, line 16, delete "1, 2007;"

Page 2, line 1, delete "July 1, 2007;" and insert "**January 1, 2008;**".

Page 3, line 1, delete "July 1, 2005;" and insert "**January 1, 2006;**".

Page 3, line 3, delete "July 1, 2005" and insert "**January 1, 2006;**".

Page 3, line 3, after "before" delete "July" and insert "**January 1, 2008;**".

Page 3, line 4, delete "1, 2007;"

Page 3, line 6, delete "July 1, 2007;" and insert "**January 1, 2008;**".

(Reference is to ESB 35 as printed April 4, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 5.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 62, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedures.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-40-6-4, AS ADDED BY P.L.139-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a) As used in this section, "identifying information" has the meaning set forth in IC 35-43-5-1.**

(b) A prosecuting attorney or a victim assistance program shall do the following:

(1) Inform a victim that the victim may be present at all public stages of the criminal justice process to the extent that:

(A) the victim's presence and statements do not interfere with a defendant's constitutional rights; and

(B) there has not been a court order restricting, limiting, or prohibiting attendance at the criminal proceedings.

(2) Timely notify a victim of all criminal justice hearings and proceedings that are scheduled for a criminal matter in which the victim was involved.

(3) Promptly notify a victim when a criminal court proceeding has been rescheduled or canceled.

(4) Obtain an interpreter or translator, if necessary, to advise a victim of the rights granted to a victim under the law.

(5) Coordinate efforts of local law enforcement agencies that are designed to promptly inform a victim after an offense occurs of the availability of, and the application process for, community services for victims and the families of victims, including information concerning services such as the following:

(A) Victim compensation funds.

(B) Victim assistance resources.

(C) Legal resources.

(D) Mental health services.

(E) Social services.

(F) Health resources.

(G) Rehabilitative services.

(H) Financial assistance services.

(I) Crisis intervention services.

(J) Transportation and child care services to promote the participation of a victim or a member of the victim's immediate family in the criminal proceedings.

(6) Inform the victim that the court may order a defendant convicted of the offense involving the victim to pay restitution to the victim under IC 35-50-5-3.

(7) Upon request of the victim, inform the victim of the terms and conditions of release of the person accused of committing a crime against the victim.

(8) Upon request of the victim, give the victim notice of the criminal offense for which:

(A) the defendant accused of committing the offense against the victim was convicted or acquitted; or

(B) the charges were dismissed against the defendant accused of committing the offense against the victim.

(9) In a county having a victim-offender reconciliation program (VORP), provide an opportunity for a victim, if the accused person or the offender agrees, to:

(A) meet with the accused person or the offender in a safe, controlled environment;

(B) give to the accused person or the offender, either orally

or in writing, a summary of the financial, emotional, and physical effects of the offense on the victim and the victim's family; and

(C) negotiate a restitution agreement to be submitted to the sentencing court for damages incurred by the victim as a result of the offense.

(10) Assist a victim in preparing verified documentation necessary to obtain a restitution order under IC 35-50-5-3.

(11) Advise a victim of other rights granted to a victim under the law.

(c) Except as provided in subsection (d), a prosecutor shall not disclose victim identifying information during discovery and other proceedings.

(d) For good cause shown, the court may order the disclosure of victim identifying information. The court may impose reasonable restrictions on the disclosure of victim identifying information, including a requirement that the identifying information not be disclosed to the defendant.

(Reference is to SB 62 as printed January 17, 2003.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

PELATH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 109, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 1 through 3.

Page 2, line 4, delete "4." and insert "3."

(Reference is to SB 109 as printed February 14, 2003.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

PELATH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 144, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-34-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. **(a)** A child is a child in need of services if before the child becomes eighteen (18) years of age:

(1) the child is the victim of a sex offense under:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2;

(C) IC 35-42-4-3;

(D) IC 35-42-4-4;

(E) IC 35-42-4-7;

(F) IC 35-42-4-9;

(G) IC 35-45-4-1;

(H) IC 35-45-4-2; or

(I) IC 35-46-1-3; and

(2) the child needs care, treatment, or rehabilitation that the child:

(A) is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is a child in need of services if before the child becomes eighteen (18) years of age:

(1) the child lives in the same household as a child who is the victim of a sex offense under:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2;

(C) IC 35-42-4-3;

- (D) IC 35-42-4-4;
- (E) IC 35-42-4-7;
- (F) IC 35-42-4-9;
- (G) IC 35-45-4-1;
- (H) IC 35-45-4-2; or
- (I) IC 35-46-1-3; and

(2) the child needs care, treatment, or rehabilitation that the child:

- (A) is not receiving; and
- (B) is unlikely to be provided or accepted without the coercive intervention of the court.

SECTION 2. IC 31-34-12-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) A rebuttable presumption is raised that a child is a child in need of services if the state establishes that:

- (1) another child in the same household is the victim of a sex offense described in IC 31-34-1-3; and
- (2) the sex offense described in IC 31-34-1-3:

- (A) was committed by an adult who lives in the household with the child; and
- (B) resulted in a conviction of the adult or a judgment under IC 31-34-11-2 as it relates to the child against whom the sex offense was committed.

(b) The following may not be used as grounds to rebut the presumption under subsection (a):

- (1) The child who is the victim of the sex offense described in IC 31-34-1-3 is not genetically related to the adult who committed the act but the child presumed to be the child in need of services under this section is genetically related to the adult who committed the act.
- (2) The child who is the victim of the sex offense described in IC 31-34-1-3 differs in age from the child presumed to be the child in need of services under this section.

(c) A child presumed to be a child in need of services under this section may not be taken into custody or emergency custody under IC 31-34-2 unless the court first finds cause to take the child into custody or emergency custody following a hearing in which the parent, guardian, or custodian of the child is accorded the rights described in IC 31-34-4-6(a)(2) through IC 31-34-4-6(a)(5)."

Renumber all SECTIONS consecutively.

(Reference is to SB 144 as printed January 17, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-30-5-5, AS AMENDED BY P.L.175-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) A person who causes the death of another person when operating a motor vehicle ~~(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:~~ (A) one hundred (100) milliliters of the person's blood; or (B) two hundred ten (210) liters of the person's breath; (2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body ~~or (3) while intoxicated;~~ commits a Class C felony. However, the offense is a Class B felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this chapter.

(b) A person who causes the death of another person when operating a motor vehicle:

- (1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

- (A) one hundred (100) milliliters of the person's blood; or
- (B) two hundred ten (210) liters of the person's breath; or

(2) while intoxicated;

commits a Class B felony.

~~(b)~~ (c) A person who violates subsection (a) ~~or (b)~~ commits a separate offense for each person whose death is caused by the violation of subsection (a) ~~or (b)~~.

~~(c)~~ (d) It is a defense under subsection ~~(a)~~(2) (a) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 2. [EFFECTIVE JULY 1, 2003] IC 9-30-5-5, as amended by this act, applies only to offenses committed after June 30, 2003.

(Reference is to SB 172 as reprinted February 14, 2003.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 187, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 5. IC 20-10.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A school year is the period of time beginning after June 30 of each year and ending before July 1 of the following year, except when a different period is specified for a particular purpose.

(b) A student instructional day in grades 1 through 6 consists of a minimum of five (5) hours of instructional time. A student instructional day in grades 7 through 12 consists of a minimum of six (6) hours of instructional time. For purposes of this section, instructional time is time in which students are participating in an approved course, curriculum, or educationally related activity under the direction of a teacher, including a reasonable amount of passing time between classes. However, instructional time does not include lunch or recess.

~~(c) For the 1987-88 school year, each school corporation shall conduct at least one hundred seventy-five (175) student instructional days. For the 1988-89 school year and each school year after that, Subject to section 1.1 of this chapter, each school corporation shall conduct at least one hundred eighty (180) student instructional days. No Not later than June 15 of each school year, the superintendent of each school corporation shall certify to the department the number of student instructional days conducted during that school year. The certification of days must include information pertaining to the activities conducted on the days described in section 1.1 of this chapter.~~

(d) If a school corporation fails to conduct the minimum number of student instructional days during a school year as required under subsection (c), the department shall reduce the August tuition support distribution to that school corporation by an amount determined as follows:

~~(1) For the 1987-88 school year, the amount determined under STEP THREE of the following formula:~~

~~STEP ONE: Divide the amount of the total tuition support allocated to the school corporation for the 1987-88 school year by one hundred seventy-five (175);~~

~~STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred seventy-five (175);~~

~~STEP THREE: Multiply the amount determined under STEP ONE by the amount determined under STEP TWO;~~

~~(2) For the 1988-89 school year and each school year after that,~~

the amount determined under STEP NINE of the following formula:

STEP ONE: Determine the remainder of:

- (A) (1) the amount of the total tuition support allocated to the school corporation for the particular school year; minus
- (B) (2) that part of the total tuition support allocated to the school corporation for that school year with respect to student instructional days one hundred seventy-six (176) through one hundred eighty (180).

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred eighty (180).

STEP THREE: Determine the lesser of five (5) or the remainder determined under STEP TWO.

STEP FOUR: Divide the amount subtracted under STEP ONE(B) by five (5).

STEP FIVE: Multiply the quotient determined under STEP FOUR by the number determined under STEP THREE.

STEP SIX: Subtract the number determined under STEP THREE from the remainder determined under STEP TWO.

STEP SEVEN: Divide the remainder determined under STEP ONE by one hundred seventy-five (175).

STEP EIGHT: Multiply the quotient determined under STEP SEVEN by the remainder determined under STEP SIX.

STEP NINE: Add the product determined under STEP FIVE to the product determined under STEP EIGHT.

(e) The department may grant a waiver of the penalty imposed under subsection (d) for a particular number of ~~cancelled~~ **canceled** student instructional days if:

- (1) the school corporation applies to the department for a waiver of the penalty imposed under subsection (d) for a specific number of ~~cancelled~~ **canceled** student instructional days; and
- (2) each of the particular number of student instructional days requested to be waived under this subsection was ~~cancelled~~ **canceled** due to extraordinary circumstances.

(f) The department shall develop guidelines for school corporations to apply for a waiver under subsection (e).

SECTION 6. IC 20-10.1-2-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1.1. (a) This section applies to a public school that exceeds the student instructional day requirement set forth in section 1(c) of this chapter in a manner so that each instructional day is comprised of at least:**

- (1) five (5) hours and eighteen (18) minutes for grades 1 through 6; or
- (2) six (6) hours and twenty-one (21) minutes for grades 7 through 12.

(b) A school described in subsection (a) may use the equivalent of up to five (5) of the school instructional days in a school year, including full days, to conduct one (1) or more of the following instead of student instruction:

- (1) Activities associated with the strategic and continuous school improvement and achievement plan under IC 20-10.2-3.
- (2) Professional development activities required under IC 20-1-1-6.5.
- (3) Parental involvement initiatives.
- (4) Community partnership activities.
- (5) Standards, curriculum, instruction, and assessment alignment.
- (6) Any other activity associated with the implementation of IC 20-1-1-6.3, IC 20-1-1-6.5, or IC 20-10.2.

(c) This section expires June 30, 2005.

SECTION 7. IC 20-10.1-16-13, AS AMENDED BY P.L.193-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) Beginning with the class of students who expect to graduate during the 1999-2000 school year, Each student is required to meet:**

- (1) the academic standards tested in the graduation examination; and
- (2) any additional requirements established by the governing

body;

to be eligible to graduate.

(b) A student who does not meet the academic standards tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

(c) A student who does not achieve a passing score on the graduation examination may be eligible to graduate if all of the following occur:

(1) The principal of the school the student attends certifies that the student will within one (1) month of the student's scheduled graduation date successfully complete all components of the Core 40 curriculum as established by the board under IC 20-10.1-5.7-1.

(2) The student otherwise satisfies all state and local graduation requirements.

(d) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subsection (c) may be eligible to graduate if the student does all of the following:

(1) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.

(2) Completes remediation opportunities provided to the student by the student's school.

(3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.

(4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.

(5) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:

- (i) tests other than the graduation examination; or
- (ii) classroom work.

(6) Otherwise satisfies all state and local graduation requirements.

(e) This subsection applies to a student who is a child with a disability (as defined in IC 20-1-6-1). If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the **academic standard in the subject area goals established by the student's individual educational program** based upon:

- (i) tests other than the graduation examination; or
- (ii) classroom work.

(2) The student meets all of the following requirements:

(A) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.

(B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.

(C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's

individualized education program with excused absences not counting against the student's attendance.

(D) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board; a passing grade as defined by the governing body of the school corporation where the student is enrolled.

(E) Otherwise satisfies all state and local graduation requirements."

Delete page 6.

Page 7, delete lines 1 through 2.

Page 7, after line 12, begin a new paragraph and insert: "SECTION 9. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 187 as printed March 28, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 4.

PELATH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 208, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-21.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]:

Chapter 21.3. Payments in Lieu of Property Taxes

Sec. 1. As used in this chapter, "PILOT" refers to a payment in lieu of taxes.

Sec. 2. The auditor of state shall make a PILOT on May 1 and November 1 of each year with respect to land that:

- (1) was owned by or leased by the department of natural resources on March 1 of the previous year; and
- (2) is exempt from property taxes.

Sec. 3. The PILOT paid under section 2 of this chapter is the following amount for each acre of land owned by or leased by the department of natural resources on March 1 of the previous year:

- (1) Two dollars (\$2) in a county in which the department owned or leased less than five percent (5%) of the acreage in the county on March 1 of the previous year.
- (2) Three dollars (\$3) in a county not referred to in subdivision (1).

Sec. 4. (a) A PILOT:

- (1) is billed;
- (2) is due;
- (3) bears interest if unpaid;
- (4) is subject to penalty if unpaid; and
- (5) is distributed to political subdivisions within a county;

in the same manner as ad valorem taxes on property.

(b) A PILOT:

- (1) is not eligible for the property tax replacement credit under IC 6-1.1-21; and
- (2) except as provided in subsection (a), is not treated as a

property tax for purposes of other procedural and substantive provisions of law.

Sec. 5. Not later than April 1 of each year, the state land office division established by IC 4-20.5-2-1 shall provide the auditor of state with a report of:

(1) for each county, the location of land described in section 2 of this chapter; and

(2) the acreage of the land identified under subdivision (1).

Sec. 6. (a) The PILOT transfer account within the state general fund is established to make PILOTS under section 2 of this chapter. The auditor of state shall administer the account.

(b) Expenses of administering the account are to be paid from money in the account.

(c) There is annually appropriated from the state general fund to the PILOT transfer account the amount necessary to make the PILOTS required by this chapter.

SECTION 2. IC 13-11-2-48.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 48.5. "Daily newspaper", for purposes of IC 13-20-24, means a newspaper that:

(1) has a circulation of at least twelve thousand five hundred (12,500); and

(2) publishes at least five (5) issues each week.

SECTION 3. IC 13-11-2-242, AS AMENDED BY P.L.225-2001, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 242. "Unit", for purposes of:

(1) section 148(c) of this chapter;

(2) IC 13-20-17.5;

(3) IC 13-20-20; and

(4) IC 13-21-3-12; and

(5) IC 13-23;

has the meaning set forth in IC 36-1-2-23.

SECTION 4. IC 13-20-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 24. Newspaper Fee

Sec. 1. A:

(1) publisher of a daily newspaper published in Indiana shall pay a fee of two dollars (\$2) for each metric ton of paper used by the publisher to publish the daily newspaper; and

(2) distributor of a daily newspaper published outside Indiana and distributed in Indiana shall pay a fee of one cent (\$0.01) for each newspaper distributed in Indiana by the distributor;

as provided in section 2 of this chapter.

Sec. 2. A publisher or distributor shall pay the fee described in section 1 of this chapter:

(1) to the treasurer of state; and

(2) before the fifteenth day of each month:

(A) for each metric ton of paper used by the publisher as described in section 1(1) of this chapter; or

(B) for each newspaper distributed by the distributor in Indiana as described in section 1(2) of this chapter;

during the preceding month.

Sec. 3. The treasurer of state shall distribute the fees collected under section 2 of this chapter before the last day of each month as follows:

(1) Before July 1, 2008, fifty percent (50%) of the fees shall be deposited in the clean water Indiana fund established by IC 14-32-8-6. After June 30, 2008, ninety-five percent (95%) of the fees shall be deposited in the clean water Indiana fund established by IC 14-32-8-6.

(2) Before July 1, 2008, forty-five percent (45%) of the fees shall be deposited in the PILOT transfer account within the state general fund under IC 6-1.1-21.3-6.

(3) Five percent (5%) of the fees shall be distributed to the department of 4-H and youth development of the Purdue University cooperative extension service to provide scholarships:

(A) to persons who have been members of 4-H clubs for at least ten (10) years; and

(B) based upon a person's:

- (i) achievements involving 4-H activities; and**
- (ii) financial need.**

The director of the Purdue University cooperative extension service shall adopt rules under IC 4-22-2 to implement this subdivision.

Sec. 4. The department of state revenue may audit the publisher of a daily newspaper published in Indiana as described in section 1(1) of this chapter to determine if the publisher is in compliance with this chapter.

SECTION 5. IC 13-21-3-12, AS AMENDED BY P.L.178-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:

- (1) The power to develop and implement a district solid waste management plan under IC 13-21-5.
- (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.
- (3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.
- (4) The power to sue and be sued.
- (5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.
- (6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:

- (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.
- (B) The managing or disposal of solid waste.
- (C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

- (7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.
- (8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.
- (9) The power to sell or lease any facility or part of a facility to any person.
- (10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.
- (11) The power to enter upon property to make surveys, soundings, borings, and examinations.
- (12) The power to:
 - (A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and
 - (B) comply with the terms of the gift, grant, or loan.
- (13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

- (A) Regular budget and tax levy procedures.
- (B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

- (14) The power to borrow in anticipation of taxes.
- (15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.
- (16) The power to otherwise do all things necessary for the:
 - (A) reduction, management, and disposal of solid waste; and
 - (B) recovery of waste products from the solid waste stream; if the primary purpose of activities undertaken under this

subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law. However, a resolution is not effective in a **municipality unit** unless the **municipality unit** adopts the language of the resolution by ordinance or resolution.

(18) The power to do the following:

- (A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.
- (B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.
- (C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.
- (D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

- (A) fiscal;
- (B) administrative;
- (C) managerial; or
- (D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) In a joint district, the power to pay a fee from district money to the counties in the district in which a final disposal facility is located.

(23) The power to make grants or loans of:

- (A) money;
- (B) property; or
- (C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further the district's solid waste management plan.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

- (A) the reuse and recycling of mercury in:

- (i) mercury commodities; and
- (ii) mercury-added products; and
- (B) collection programs available to the public for:
 - (i) mercury commodities; and
 - (ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses.

SECTION 6. IC 14-32-8-6, AS ADDED BY P.L.160-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) The clean water Indiana fund is established to carry out the purposes of this chapter. The fund shall be administered by the division of soil conservation subject to the direction of the board.

(b) The fund consists of the following:

- (1) Amounts appropriated by the general assembly. ~~and~~
- (2) **Deposits of newspaper fees made by the treasurer of state under IC 13-20-24-3(1).**
- (3) Donations, grants, and money received from any other source.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 6-1.1-21.3-5, as added by this act, the state land office division shall provide to the auditor of state the information required under IC 6-1.1-21.3-6, as added by this act, not later than July 1, 2003.**

(b) **The auditor of state shall make the first PILOT (as defined in IC 6-1.1-21.3-1, as added by this act) under IC 6-1.1-21.3-2, as added by this act, on May 1, 2004.**

(c) **This SECTION expires December 31, 2004.**

SECTION 8. **An emergency is declared for this act.**

(Reference is to SB 208 as reprinted February 12, 2003.) and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 4.

BOTTORFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Appointments and Claims, to which was referred Engrossed Senate Bill 210, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 27-8-5-26, AS AMENDED BY P.L.96-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. (a) ~~This section applies to a policy of accident and sickness insurance issued after June 30, 1997.~~

(b) ~~This section applies to a mastectomy performed after June 30, 1997.~~

(c) (a) As used in this section, "mastectomy" means the removal of all or part of the breast for reasons that are determined by a licensed physician to be medically necessary.

(d) (b) A policy of accident and sickness insurance that provides coverage for a mastectomy may not be issued, amended, delivered, or renewed in Indiana unless the policy provides coverage for:

- (1) prosthetic devices; and
- (2) reconstructive surgery incident to a mastectomy including:
 - (A) all stages of reconstruction of the breast on which the mastectomy has been performed; and
 - (B) surgery and reconstruction of the other breast to produce symmetry;

in the manner determined by the attending physician and the patient to be appropriate.

(e) (c) Coverage for prosthetic devices or reconstructive surgery under this section is subject to:

- (1) the deductible and coinsurance provisions applicable to a mastectomy; and
- (2) all other terms and conditions applicable to other benefits.

(f) (d) Notwithstanding the provisions of this section, if a mastectomy is performed and there is no evidence of malignancy, coverage required under this section may be limited to the provision of prosthetic devices and reconstructive surgery for two (2) years following the surgery.

(e) **An insurer that issues a policy of accident and sickness insurance shall provide to an insured, at the time the policy is issued and annually thereafter, written notice of the coverage required under this section. Notice that is sent by the insurer that meets the requirements set forth in 29 U.S.C. 1185b constitutes compliance with this subsection.**

(f) (f) The coverage required under this section applies to a policy of accident and sickness insurance that provides coverage for a mastectomy, regardless of whether an individual who:

- (1) underwent a mastectomy; and
- (2) is covered under the policy;

was covered under the policy at the time of the mastectomy.

(g) **Nothing in this section requires an insurer to provide coverage related to post mastectomy care that exceeds the coverage required for post mastectomy care under federal law.**

SECTION 2. IC 27-13-7-14, AS AMENDED BY P.L.96-2002, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) ~~This section applies to a contract with A health maintenance organization (as defined in IC 27-13-1-19) issued after June 30, 1997.~~

(b) ~~This section applies to a mastectomy performed after June 30, 1997.~~

(c) (a) As used in this section, "mastectomy" means the removal of all or part of the breast for reasons that are determined by a licensed physician to be medically necessary.

(d) (b) A contract with a health maintenance organization that provides coverage for a mastectomy must provide coverage for:

- (1) prosthetic devices; and
- (2) reconstructive surgery incident to a mastectomy including:
 - (A) all stages of reconstruction of the breast on which the mastectomy has been performed; and
 - (B) surgery and reconstruction of the other breast to produce symmetry;

in the manner determined by the attending physician and the patient to be appropriate.

(e) (c) Coverage for prosthetic devices and reconstructive surgery under this section is subject to:

- (1) the deductible and coinsurance provisions applicable to a mastectomy; and
- (2) all other terms and conditions applicable to other services under the contract.

(f) (d) Notwithstanding the provisions of this section, if a mastectomy is performed and there is no evidence of malignancy, coverage required under this section may be limited to the provision of prosthetic devices and reconstructive surgery for two (2) years following the surgery.

(e) **A health maintenance organization shall provide to an enrollee, at the time that an individual contract or a group contract is entered into and annually thereafter, written notice of the coverage required under this section. Notice that is sent by the health maintenance organization that meets the requirements set forth in 29 U.S.C. 1185b constitutes compliance with this subsection.**

(f) (f) The coverage required under this section applies to a contract with a health maintenance organization that provides coverage for a mastectomy, regardless of whether an individual who:

- (1) underwent a mastectomy; and
- (2) is covered under the contract;

was covered under the contract at the time of the mastectomy.

(g) **Nothing in this section requires a health maintenance organization to provide coverage related to post mastectomy care that exceeds the coverage required for post mastectomy care under federal law.**

SECTION 3. [EFFECTIVE JULY 1, 2003] (a) **IC 27-8-5-26, as amended by this act, applies to a policy of accident and sickness insurance that is issued, delivered, amended, or renewed after June 30, 2003.**

(b) IC 27-13-7-14, as amended by this act, applies to an individual contract or a group contract that is entered into, delivered, amended, or renewed after June 30, 2003.

(Reference is to SB 210 as printed February 28, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

HARRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 216, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 4 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-10.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. The board is composed of the following members:

- (1) The executive director of the department of fire and building services **or the executive director's designee.**
- (2) The chairperson of the board of firefighting personnel standards and education.
- (3) The director of the state emergency management agency **or the director's designee.**
- (4) The commissioner of the department of environmental management **or the commissioner's designee.**
- (5) The state fire marshal **or the state fire marshal's designee.**
- (6) **The deputy director of the emergency medical services division of the state emergency management agency or the deputy director's designee.**
- (7) Five (5) individuals appointed by the governor, not more than three (3) of whom may represent the same political party, as follows:

- (A) A professional firefighter.
- (B) A volunteer firefighter.
- (C) A public safety employee who is not a firefighter.
- (D) A municipal or county building inspector.
- (E) A member of the medical profession.

SECTION 2. IC 9-19-14.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A privately owned vehicle belonging to a **certified paramedic, certified emergency medical technician-intermediate, certified emergency medical technician-basic advanced**, certified emergency medical technician, certified emergency medical service driver, or certified emergency medical service first responder while traveling in the line of duty in connection with emergency medical services activities may display green lights, subject to the following restrictions and conditions:

- (1) The lights may not have a light source less than fifty (50) candlepower.
- (2) All lights shall be placed on the top of the vehicle.
- (3) Not more than two (2) green lights may be displayed on a vehicle and each light must be of the flashing or revolving type and visible at three hundred sixty (360) degrees.
- (4) The lights must consist of a lamp with a green lens and not of an uncolored lens with a green bulb. However, the revolving lights may contain multiple bulbs.
- (5) The green lights may not be a part of the regular head lamps displayed on the vehicle.
- (6) For a person authorized under this chapter to display a green light on the person's vehicle, the person must first secure a written permit from the director of the state emergency management agency to use the light. The permit must be carried by the person when the light is displayed.

SECTION 3. IC 9-30-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician, who:

- (1) obtains a blood, urine, or other bodily substance sample from a person, regardless of whether the sample is taken for diagnostic purposes or at the request of a law enforcement officer under this section; or
- (2) performs a chemical test on blood, urine, or other bodily substance obtained from a person;

shall deliver the sample or disclose the results of the test to a law enforcement officer who requests the sample or results as a part of a criminal investigation. Samples and test results shall be provided to a law enforcement officer even if the person has not consented to or otherwise authorized their release.

(b) A physician, a hospital, or an agent of a physician or hospital is not civilly or criminally liable for any of the following:

- (1) Disclosing test results in accordance with this section.
- (2) Delivering a blood, urine, or other bodily substance sample in accordance with this section.
- (3) Obtaining a blood, urine, or other bodily substance sample in accordance with this section.
- (4) Disclosing to the prosecuting attorney or the deputy prosecuting attorney for use at or testifying at the criminal trial of the person as to facts observed or opinions formed.
- (5) Failing to treat a person from whom a blood, urine, or other bodily substance sample is obtained at the request of a law enforcement officer if the person declines treatment.
- (6) Injury to a person arising from the performance of duties in good faith under this section.

(c) For the purposes of this chapter, IC 9-30-5, or IC 9-30-9:

- (1) the privileges arising from a patient-physician relationship do not apply to the samples, test results, or testimony described in this section; and
- (2) samples, test results, and testimony may be admitted in a proceeding in accordance with the applicable rules of evidence.

(d) The exceptions to the patient-physician relationship specified in subsection (c) do not affect those relationships in a proceeding not covered by this chapter, IC 9-30-5, or IC 9-30-9.

(e) The test results and samples obtained by a law enforcement officer under subsection (a) may be disclosed only to a prosecuting attorney or a deputy prosecuting attorney for use as evidence in a criminal proceeding under this chapter, IC 9-30-5, or IC 9-30-9.

(f) This section does not require a physician or a person under the direction of a physician to perform a chemical test.

(g) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician shall obtain a blood, urine, or other bodily substance sample if the following exist:

- (1) A law enforcement officer requests that the sample be obtained.
- (2) The law enforcement officer has certified in writing the following:

- (A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5.
- (B) That the person from whom the sample is to be obtained has been transported to a hospital or other medical facility.
- (C) That the person from whom the sample is to be obtained has been involved in a motor vehicle accident that resulted in the serious bodily injury or death of another.
- (D) That the accident that caused the serious bodily injury or death of another occurred not more than three (3) hours before the time the sample is requested.

(3) Not more than the use of reasonable force is necessary to obtain the sample.

(h) If the person:

- (1) from whom the bodily substance sample is to be obtained under this section does not consent; and
- (2) resists the taking of a sample;

the law enforcement officer may use reasonable force to assist an individual, who must be authorized under this section to obtain a sample, in the taking of the sample.

(i) The person authorized under this section to obtain a bodily substance sample shall take the sample in a medically accepted manner.

(j) A law enforcement officer may transport the person to a place other than a hospital where the sample may be obtained by any of the following persons who are trained in obtaining bodily substance samples and who have been engaged to obtain samples under this section:

- (1) A physician holding an unlimited license to practice medicine or osteopathy.
- (2) A registered nurse.
- (3) A licensed practical nurse.
- (4) An ~~advanced~~ emergency medical ~~technician~~ **technician-basic advanced** (as defined in ~~IC 16-18-2-6~~ **IC 16-18-2-112.5**).
- (5) An **emergency medical technician-intermediate** (as defined in **IC 16-18-2-112.7**).
- (6) A paramedic (as defined in **IC 16-18-2-266**)."

Page 3, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 2. IC 10-14-3-9, AS ADDED BY SEA 257-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The agency shall prepare and maintain a current state emergency operations plan. The plan may provide for the following:

- (1) Prevention and minimization of injury and damage caused by disaster.
- (2) Prompt and effective response to disaster.
- (3) Emergency relief.
- (4) Identification of areas particularly vulnerable to disaster.
- (5) Recommendations for:

- (A) zoning;
- (B) building;
- (C) other land use controls;
- (D) safety measures for securing mobile homes or other nonpermanent or semipermanent structures; and
- (E) other preventive and preparedness measures designed to eliminate or reduce disaster or its impact;

that must be disseminated to both the fire prevention and building safety commission and local authorities.

- (6) Assistance to local officials in designing local emergency action plans.
- (7) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, conflagration, or other disaster.
- (8) Preparation and distribution to the appropriate state and local officials of state catalogs of federal, state, and private assistance programs.
- (9) Organization of manpower and chains of command.
- (10) Coordination of federal, state, and local disaster activities.
- (11) Coordination of the state disaster plan with the disaster plans of the federal government.
- (12) Other necessary matters.

(b) The agency shall take an integral part in the development and revision of local and interjurisdictional disaster plans prepared under section 17 of this chapter. The agency shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions, a political subdivision's disaster agencies, and interjurisdictional planning and disaster agencies. These personnel:

- (1) shall consult with subdivisions and government agencies on a regularly scheduled basis;
- (2) shall make field examinations of the areas, circumstances, and conditions to which particular local and interjurisdictional disaster plans are intended to apply; and
- (3) may suggest revisions.

(c) In preparing and revising the state disaster plan, the agency shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the agency shall encourage local and interjurisdictional agencies to seek advice from the sources specified in this subsection.

(d) The state disaster plan or any part of the plan may be incorporated in rules of the agency or by executive orders.

(e) The agency shall do the following:

- (1) Determine requirements of the state and political subdivisions for food, clothing, and other necessities in the event of an emergency.
- (2) Procure and pre-position supplies, medicines, materials, and equipment.
- (3) Adopt standards and requirements for local and interjurisdictional disaster plans.
- (4) Provide for mobile support units.
- (5) Assist political subdivisions, political subdivisions' disaster agencies, and interjurisdictional disaster agencies to establish and operate training programs and public information programs.
- (6) Make surveys of industries, resources, and facilities in Indiana, both public and private, necessary to carry out this chapter.
- (7) Plan and make arrangements for the availability and use of any private facilities, services, and property, and if necessary and if the private facilities, services, or property is used, provide for payment for the use under agreed upon terms and conditions.
- (8) Establish a register of persons with types of training and skills important in emergency prevention, preparedness, response, and recovery.
- (9) Establish a register of mobile and construction equipment and temporary housing available for use in a disaster emergency.
- (10) Prepare, for issuance by the governor, executive orders, proclamations, and regulations necessary or appropriate in coping with disaster.
- (11) Cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, preparation, response, and recovery.
- (12) Do other things necessary, incidental, or appropriate to implement this chapter.

(f) The agency shall ascertain the rapid and efficient communications that exist in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating these resources into a comprehensive intrastate or state-federal telecommunications or other communications system or network. In studying the character and feasibility of any system, the agency shall evaluate the possibility of multipurpose use of the system for general state and local governmental purposes. The agency shall make appropriate recommendations to the governor.

(g) The agency shall develop a statewide mutual aid program ~~and~~ **a to implement the statewide mutual aid agreement."**

Page 3, line 39, delete "IC 10-4-1-5.6" and insert "IC 10-14-3-10.6".

Page 3, line 41, delete "5.6." and insert "**10.6**".

Page 5, line 34, delete "IC 10-4-1-5.7" and insert "IC 10-14-3-10.7".

Page 5, line 36, delete "5.7." and insert "**10.7**".

Page 5, line 37, delete "5.6(a)" and insert "**10.6(a)**".

Page 6, line 6, after "assistance" insert "**for disaster response or recovery**".

Page 6, line 16, delete "Notwithstanding subsection (c), a participating unit" and insert "**Except as provided by an agreement entered into under subsection (e), the following labor and equipment reimbursement rates apply to reimbursement under subsection (c):**

(1) The labor reimbursement rates are as follows:

(A) The straight time costs of the labor force of the participating unit rendering assistance shall be reimbursed at the normal pay rates for responding personnel.

(B) The overtime costs of the labor force of the participating unit rendering assistance shall be reimbursed at one hundred fifty percent (150%) of the normal pay rates for the responding personnel if it is the normal practice of the requesting unit to pay these

personnel overtime.

(2) The equipment reimbursement rates are the lesser of the following:

(A) The rates for equipment costs reimbursement established by the Federal Emergency Management Agency or its successor agency.

(B) The equipment costs established by the participating unit rendering assistance."

Page 6, delete lines 17 through 21.

Page 6, line 25, delete "subsection (c)." and insert "subsections (c) and (d)."

Page 6, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 7. IC 16-18-2-7, AS AMENDED BY P.L.17-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) "Advanced life support", for purposes of IC 16-31, means care that is given:

(1) at the scene of:

(A) an accident;

(B) an act of terrorism (as defined in IC 35-41-1-26.5), if the governor has declared a disaster emergency under IC 10-4-1-7 in response to the act of terrorism; or

(C) an illness;

(2) during transport; or

(3) at a hospital;

by a paramedic or an ~~advanced~~ emergency medical technician ~~technician-intermediate~~ and that is more advanced than the care usually provided by an emergency medical technician or an ~~emergency medical technician-basic advanced~~.

(b) The term may include any of the following:

(1) Defibrillation.

(2) Endotracheal intubation.

(3) Parenteral injections of appropriate medications, ~~including administration of epinephrine through an auto-injector.~~

(4) Electrocardiogram interpretation.

(5) Emergency management of trauma and illness.

SECTION 8. IC 16-18-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) "Agency", for purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-1.

(b) "Agency", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-1.

SECTION 9. IC 16-18-2-33.5, AS AMENDED BY P.L.93-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 33.5. (a) "Basic life support", for purposes of IC 16-31, means the following:

(1) Assessment of emergency patients.

(2) Administration of oxygen.

(3) Use of mechanical breathing devices.

(4) Application of anti-shock trousers.

(5) Performance of cardiopulmonary resuscitation.

(6) Application of dressings and bandage materials.

(7) Application of splinting and immobilization devices.

(8) Use of lifting and moving devices to ensure safe transport.

(9) Use of an automatic or a semiautomatic defibrillator if the defibrillator is used in accordance with training procedures established by the Indiana emergency medical services commission.

(10) Administration by an emergency medical technician or ~~emergency medical technician-basic advanced~~ of epinephrine through an auto-injector.

(11) ~~For an emergency medical technician-basic advanced, the following:~~

(A) Electrocardiogram interpretation.

(B) Manual external defibrillation.

(C) Intravenous fluid therapy.

(12) Other procedures authorized by the Indiana emergency medical services commission, including procedures contained in the revised national emergency medical technician basic training curriculum guide.

(b) Except as provided by:

(1) subsection (a)(10) and the training and certification

standards established under IC 16-31-2-9(4);

(2) subsection (a)(11)(C); and

(3) the training standards established under IC 16-31-2-9(5);

in subsection (a)(10) and by the training and certification standards established under IC 16-31-2-9(5); the term does not include invasive medical care techniques or advanced life support, ~~except as provided by the training and certification standards established under IC 16-31-2-9(4).~~

SECTION 10. IC 16-18-2-112.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 112.5. "Emergency medical technician-basic advanced", for purposes of IC 16-31, means an individual who is certified under IC 16-31 to provide basic life support at the scene of an accident or illness or during transport.

SECTION 11. IC 16-18-2-112.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 112.7. "Emergency medical technician-intermediate", for purposes of IC 16-31, means an individual who can perform at least one (1) of but not all the procedures of a paramedic and who:

(1) has completed a prescribed course in advanced life support;

(2) has been certified by the Indiana emergency medical services commission;

(3) is associated with a single supervising hospital; and

(4) is affiliated with a provider organization.

SECTION 12. IC 16-18-2-143, AS AMENDED BY P.L.81-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 143. (a) "Fund", for purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-2.

(b) "Fund", for purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-2.

(c) "Fund", for purposes of IC 16-46-5, has the meaning set forth in IC 16-46-5-3.

~~(c)~~ (d) "Fund", for purposes of IC 16-46-12, has the meaning set forth in IC 16-46-12-1.

SECTION 13. IC 16-18-2-163, AS AMENDED BY P.L.148-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, ~~or an advanced emergency technician;~~ **medical technician-basic advanced, an emergency medical technician-intermediate,** or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

- (A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;
- (B) is organized or registered under state law; and
- (C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5, means an individual licensed or authorized by this state to provide health care or professional services as:

- (1) a licensed physician;
- (2) a registered nurse;
- (3) a licensed practical nurse;
- (4) an advanced practice nurse;
- (5) a licensed nurse midwife;
- (6) a paramedic;
- (7) an emergency medical technician;
- (8) an ~~advanced~~ emergency medical technician or technician-basic advanced;
- (9) an emergency medical technician-intermediate; or
- (10) a first responder, as defined under IC 16-18-2-131.

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

SECTION 14. IC 16-18-2-295, AS AMENDED BY P.L.256-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 295. (a) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7) and IC 16-41-1 through IC 16-41-9 and IC 16-41-37, means any of the following:

- (1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:

- (A) A physician.
- (B) A psychotherapist.
- (C) A dentist.
- (D) A registered nurse.
- (E) A licensed practical nurse.
- (F) An optometrist.
- (G) A podiatrist.
- (H) A chiropractor.
- (I) A physical therapist.
- (J) A psychologist.
- (K) An audiologist.
- (L) A speech-language pathologist.
- (M) A dietitian.
- (N) An occupational therapist.
- (O) A respiratory therapist.
- (P) A pharmacist.

- (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.
- (3) A health facility licensed under IC 16-28-2.
- (4) A home health agency licensed under IC 16-27-1.
- (5) An employer of a certified emergency medical technician, a certified ~~advanced~~ emergency medical technician technician-basic advanced, a certified emergency medical technician-intermediate, or a certified paramedic.
- (6) The state department or a local health department or an employee, agent, designee, or contractor of the state department or local health department.

(b) "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

SECTION 15. IC 16-18-2-337 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 337. "Sponsoring" or "supervising hospital", for purposes of IC 16-31, means a hospital:

- (1) that is licensed under IC 16-21-2 or under the licensing law of another state; and
- (2) that has been certified by the emergency medical services commission to sponsor or supervise paramedics, ~~advanced~~ emergency medical technicians, technicians-intermediate, and provider organizations in providing advanced life support.

SECTION 16. IC 16-31-2-9, AS AMENDED BY P.L.93-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. The commission shall establish the following:

- (1) Standards for persons who provide emergency medical services and who are not licensed or regulated under IC 16-31-3.
- (2) Training and certification standards for the use of automatic and semiautomatic defibrillators by first responders.
- (3) Training and certification standards for the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military attack.
- (4) Training and certification standards for the administration of epinephrine through an auto-injector by:
 - (A) an emergency medical technician; or
 - (B) an ~~advanced~~ emergency medical technician technician-basic advanced.

- (5) Training and certification standards to permit the use of antidote kits containing atropine and pralidoxime chloride for the treatment of exposure to chemical agent VX (nerve agent) nerve agents by ~~advanced~~ emergency medical technicians technician-basic advanced, and emergency medical technicians who an emergency medical technician, or a first responder. work for emergency medical service providers located in:

- (A) a county having a population of more than eight thousand (8,000) but less than nine thousand (9,000);
- (B) a county having a population of more than sixteen thousand seven hundred (16,700) but less than seventeen thousand (17,000);
- (C) a county having a population of more than seventeen thousand (17,000) but less than seventeen thousand five hundred (17,500);
- (D) a county having a population of more than seventeen thousand five hundred (17,500) but less than eighteen thousand (18,000);
- (E) a county having a population of more than thirty-six thousand (36,000) but less than thirty-six thousand seventy-five (36,075);
- (F) a county having a population of more than thirty-seven thousand (37,000) but less than thirty-eight thousand (38,000); and
- (G) a county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).

SECTION 17. IC 16-31-2-11, AS AMENDED BY P.L.127-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) The commission shall develop procedures for ongoing review of all emergency ambulance services.

(b) The commission may review any pre-hospital ambulance rescue or report record regarding an emergency patient that is utilized or compiled by an emergency ambulance service employing paramedics, ~~emergency medical technicians-intermediate~~, emergency medical technicians, or ~~advanced~~ emergency medical technicians technician-basic advanced. However, except as provided in subsection (d), those records shall remain confidential and may be used solely for the purpose of compiling data and statistics. The use of such data or statistics is subject to IC 4-1-6.

(c) The commission may develop and oversee experimental study projects conducted by ambulance service providers in limited geographic areas of Indiana. These study projects must be developed and conducted in accordance with rules adopted by the commission under IC 4-22-2. These study projects must be designed to test the efficacy of new patient care techniques and new ambulance service systems.

(d) This subsection applies to emergency ambulance services that are provided by or under a contract with an entity that is a public agency for purposes of IC 5-14-3. The following information, if contained in a pre-hospital ambulance rescue or report record regarding an emergency patient, is public information and must be made available for inspection and copying under IC 5-14-3:

- (1) The date and time of the request for ambulance services.
- (2) The reason for the request for assistance.
- (3) The time and nature of the response to the request for ambulance services.
- (4) The time of arrival at the scene where the patient was located.
- (5) The time of departure from the scene where the patient was located.
- (6) The name of the facility, if any, to which the patient was delivered for further treatment and the time of arrival at that facility.

SECTION 18. IC 16-31-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The commission shall waive any rule for a person who provides emergency ambulance service, an emergency medical technician, **an emergency medical technician-basic advanced, an emergency medical technician-intermediate, a paramedic,** or an ambulance when operating from a location in an adjoining state by contract with an Indiana unit of government to provide emergency ambulance or medical services to patients who are picked up or treated in Indiana.

(b) **The commission may waive any rule, including a rule establishing a fee, for a person who submits facts demonstrating that:**

- (1) **compliance with the rule will impose an undue hardship on the person; and**
- (2) **either:**
 - (A) **noncompliance with the rule; or**
 - (B) **compliance with an alternative requirement approved by the commission;****will not jeopardize the quality of patient care. However, the commission may not waive a rule that sets forth educational requirements for a person regulated under this article.**

(c) **A waiver granted under subsection (b)(2)(B) is conditioned upon compliance with the alternative requirement approved under subsection (b).**

(d) **The commission shall establish an expiration date for any waiver that is granted.**

(e) **The commission may renew a waiver if the person makes the same demonstration required for the original waiver.**

SECTION 19. IC 16-31-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) Except as provided in subsection (b), to renew a certificate issued under this chapter upon expiration of the certificate for any reason, a person must comply with any continuing education requirements that have been established by the commission. To renew a certificate issued under this chapter after a ~~suspension, revocation or termination~~ of the certificate, a person must comply with all the requirements of this chapter that apply to the original certification.

(b) **A renewal of an emergency medical technician, an emergency medical technician-basic advanced, an emergency medical technician-intermediate, or a paramedic certificate shall be issued to an individual who meets the following conditions:**

- (1) While holding a valid ~~emergency medical technician~~ certificate, enters the armed forces of the United States, including:
 - (A) the army;
 - (B) the navy;
 - (C) the air force;
 - (D) the marines; or
 - (E) the coast guard;

but excluding the guard and reserve components of those forces.

- (2) Is discharged from the armed forces of the United States **within** forty-eight (48) months after the individual entered the armed forces.

(3) Successfully completes, not more than nine (9) months after the individual's discharge from the armed forces of the United States, a refresher course approved by the commission.

(4) Applies for the certificate renewal not more than one (1) year after the individual's discharge from the armed forces of the United States.

(5) Passes the written and practical skills examinations.

(c) A renewal of an emergency medical technician, an emergency medical technician-basic advanced, an emergency medical technician-intermediate, or a paramedic certificate must be issued to an individual who meets the following conditions:

(1) While holding a valid certificate, the individual is called to active military duty as a member of the Indiana national guard or a reserve component of the armed forces of the United States, including:

- (A) the army;
- (B) the navy;
- (C) the air force;
- (D) the marines; or
- (E) the coast guard.

(2) The individual provides the emergency medical services commission with a copy of the document from the armed forces that called the individual to active duty.

(3) The individual applies for the certificate renewal not more than one hundred twenty (120) days after the individual leaves active duty.

SECTION 20. IC 16-31-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) Except as provided in subsection (d), after notice and hearing the commission may suspend or revoke a certificate issued under this chapter for failure to comply and maintain compliance with or for violation of any applicable provisions, standards, or other requirements of this chapter or rules adopted under this chapter: (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the state emergency management agency determines that the certificate holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder becomes unfit to practice due to:

- (A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;
- (B) failure to keep abreast of current professional theory or practice;
- (C) physical or mental disability; or
- (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;
- (9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (10) allows the certificate holder's name or a certificate

issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.

(b) On motion of the commission or on the verified written complaint of an interested person, the director of the state emergency management agency shall conduct an investigation.

(b) The state emergency management agency may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the state emergency management agency determines that a certificate holder is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.

(3) Censure of a certificate holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.

(B) If the certificate holder fails to pay the civil penalty within the time specified by the state emergency management agency, the state emergency management agency may suspend the certificate holder's certificate without additional proceedings.

(6) Placement of a certificate holder on probation status and requirement of the certificate holder to:

(A) report regularly to the state emergency management agency upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the state emergency management agency;

(C) continue or renew professional education approved by the state emergency management agency until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the state emergency management agency considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

The state emergency management agency may withdraw or modify this probation if the state emergency management agency finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(e) Except as provided in subsection (d), the commission may initiate proceedings to suspend or revoke a certificate on the commission's own motion or on the verified written complaint of an interested person. All proceedings to suspend or revoke a certificate shall be conducted in accordance with IC 4-21.5-3.

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the state emergency management agency may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate for a length of time established by the state emergency management agency.

(d) The commission or the director may, on finding that the public

health or safety is in imminent danger, temporarily suspend a certificate without hearing for not more than ninety (90) days on notice to the certificate holder.

(d) The state emergency management agency may deny certification to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder, has had disciplinary action taken against the applicant or the applicant's certificate to practice in another state or jurisdiction, or has practiced without a certificate in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) On suspension, revocation, or termination of a certificate, the provision of the service shall cease.

(e) The state emergency management agency may order a certificate holder to submit to a reasonable physical or mental examination if the certificate holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a state emergency management agency order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

(f) A written complaint filed with the commission and information pertaining to the complaint are confidential until one (1) of following occurs:

(1) Notice is sent under IC 4-21.5-3 that certification suspension or revocation proceedings relating to the complaint or information have been initiated.

(2) Notice is sent under section 1-7 of this chapter that a hearing is to be held concerning the imposition of a fine for a violation relating to the complaint or information.

(3) The complaint or information is required to be disclosed by the order of a court.

(f) Except as provided under subsection (a) and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The commission may suspend or revoke a certificate under this section for not more than seven (7) years from the date the suspension or revocation is effective. After the time set by the commission has expired, the certificate holder may apply for renewal of the certificate under this chapter.

(g) The state emergency management agency may deny, suspend, or revoke a certificate issued under this chapter if the individual who holds or is applying for the certificate is convicted of any of the following:

(1) Possession of cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-6.

(2) Possession of a controlled substance under IC 35-48-4-7(a).

(3) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(4) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(5) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(6) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(7) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.

(8) Maintaining a common nuisance under IC 35-48-4-13.

(9) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an

offense described by subdivisions (1) through (11).

(h) A decision of the state emergency management agency under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The state emergency management agency may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the state emergency management agency finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the state emergency management agency must initiate an investigation against the person.

(k) The state emergency management agency shall conduct a factfinding investigation as the state emergency management agency considers proper in relation to the complaint.

(l) The state emergency management agency may reinstate a certificate that has been suspended under this section if the state emergency management agency is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the state emergency management agency may impose disciplinary or corrective measures authorized under this chapter.

(m) The state emergency management agency may not reinstate a certificate that has been revoked under this chapter.

(n) The state emergency management agency must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the state emergency management agency's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate without the written approval of the state emergency management agency, and the state emergency management agency may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

(p) For purposes of this section, "certificate holder" means a person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

SECTION 21. IC 16-31-3-14.5, AS AMENDED BY P.L.1-2002, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14.5. The ~~commission~~ **state emergency management agency** may issue an order under **IC 4-21.5-3-6 to deny an applicant's request for certification or** permanently revoke a license or certificate under procedures provided by section 14 of this chapter if the individual who holds the ~~license~~ or certificate issued under this title is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-1.
- (2) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (3) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (4) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (5) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (6) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (7) Dealing in a counterfeit substance under IC 35-48-4-5.
- (8) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (9) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (8).
- (10) Attempt under IC 35-41-5-1 to commit an offense listed in

subdivisions (1) through (8).

(11) A crime of violence (as defined in IC 35-50-1-2(a)).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).

SECTION 22. IC 16-31-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) The ~~director~~ **state emergency management agency** may issue an order to may penalize an ambulance service provider or a person certified under this chapter who has practiced without a certificate in violation of this article imposing a civil penalty of not more than five hundred dollars (\$500) per occurrence. ~~for a violation of a patient care standard or rule that is established by the commission under rules adopted under IC 4-22-2.~~

(b) A civil penalty may be imposed only after a hearing on the imposition of the penalty has been held by the director or the director's designee. Notice of the hearing must be mailed to the provider at least ten (10) days before the date set for the hearing.

(c) An ambulance service provider or a person certified under this chapter who is penalized under this chapter may appeal the determination under IC 4-21.5. At the hearing, the provider or certified person is entitled to do the following:

- (1) Be represented by an attorney;
- (2) Present evidence in that person's behalf;
- (3) Cross-examine witnesses.

(b) A decision of the state emergency management agency under subsection (a) may be appealed to the commission under IC 4-21.5-3-7.

SECTION 23. IC 16-31-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. The commission shall appoint an advanced life support operations subcommittee to advise the commission on the development of:

- (1) standards for the certification of:
 - (A) provider organizations;
 - (B) paramedics;
 - (C) ~~advanced~~ emergency medical ~~technicians~~; **technicians-intermediate**; and
 - (D) supervising hospitals; and
- (2) rules governing the operation of advanced life support services.

SECTION 24. IC 16-31-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. The commission shall adopt rules under IC 4-22-2 that promote the orderly development of advanced life support services in Indiana. The rules must include the following:

- (1) Requirements and procedures for the certification of provider organizations, paramedics, ~~advanced~~ emergency medical ~~technicians~~; **technicians-intermediate**, and supervising hospitals.
- (2) Rules governing the operation of advanced life support services, including the medications and procedures that may be administered and performed by paramedics and ~~advanced~~ emergency medical ~~technicians~~; **technicians-intermediate**.

SECTION 25. IC 16-31-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) Notwithstanding any other law, a certified paramedic or ~~an advanced~~ **a certified** emergency medical ~~technician~~ **technician-intermediate** may perform advanced life support in an emergency according to the rules of the commission.

(b) Notwithstanding any other law, a person may, during a course of instruction in advanced life support, perform advanced life support according to the rules of the commission.

SECTION 26. IC 16-31-3-23, AS ADDED BY P.L.17-2002, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. An emergency medical technician or ~~advanced~~ emergency medical ~~technician~~ **technician-basic advanced** who is certified under this article may administer epinephrine through an auto-injector to an individual who is experiencing symptoms of an allergic reaction or anaphylaxis.

SECTION 27. IC 16-31-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2003]:

Chapter 3.5. Emergency Medical Dispatch

Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Medical director" means a licensed physician who provides emergency medical dispatch medical direction to the emergency medical dispatch agency and works with the local emergency medical services medical director, if not the same person.

(c) "Emergency medical dispatcher" means a person who is trained to provide emergency medical dispatch services and who is certified under this chapter.

(d) "Emergency medical dispatching" means the reception, evaluation, processing, and provision of dispatch life support, management of requests for emergency medical assistance, and participation in ongoing evaluation and improvement of the emergency medical dispatch process. This process includes identifying the nature of the request, prioritizing the severity of the request, dispatching the necessary resources, providing medical aid and safety instructions to the callers, and coordinating the responding resources as needed, but does not include call routing itself.

(e) "Emergency medical dispatch agency" means any person that provides emergency medical dispatching for emergency medical assistance that is certified under this chapter.

Sec. 2. This chapter does not apply to a person who solely dispatches prescheduled emergency medical transports.

Sec. 3. (a) An individual may not furnish, operate, conduct, maintain, or advertise services as an emergency medical dispatcher or otherwise be engaged as an emergency medical dispatcher unless that individual is certified by the commission as an emergency medical dispatcher.

(b) A person may not furnish, operate, conduct, maintain, or advertise services as an emergency medical dispatcher or otherwise be engaged as an emergency medical dispatch agency unless certified by the commission as an emergency medical dispatch agency.

Sec. 4. (a) To be certified as an emergency medical dispatcher, an individual must:

- (1) meet the standards for education and training established by the commission;
- (2) successfully complete a written competency examination approved by the commission; and
- (3) pay the fee established by the commission.

(b) An emergency medical dispatcher certificate expires two (2) years after the date of its issuance. To renew a certificate, an emergency medical dispatcher must:

- (1) meet the education and training renewal standards established by the commission; and
- (2) pay the fee established by the commission.

(c) An emergency medical dispatcher must follow protocols, procedures, standards, and policies established by the commission.

(d) An emergency medical dispatcher shall keep the commission informed of the entity or agency that employs or supervises the dispatcher's activities as an emergency medical dispatcher.

(e) An emergency medical dispatcher shall report to the commission whenever an action has taken place that may justify the revocation or suspension of a certificate issued by the commission.

Sec. 5. (a) To be certified as an emergency medical dispatch agency, a person must:

- (1) meet the standards established by the commission; and
- (2) pay the fee established by the commission.

(b) An emergency medical dispatch agency certificate expires two (2) years after the date of its issuance. To renew a certificate, an emergency medical dispatch agency must:

- (1) meet the renewal requirements established by the commission; and
- (2) pay the fee established by the commission.

(c) The emergency medical dispatch agency must be operated

in a safe, efficient, and effective manner in accordance with commission approved standards that include the following requirements:

(1) All personnel providing emergency medical dispatch services must be certified as emergency medical dispatchers by the commission before functioning alone in an online capacity.

(2) The protocols, procedures, standards, and policies used by an emergency medical dispatch agency to dispatch emergency medical aid must comply with the requirements established by the commission.

(3) The commission must require the emergency medical dispatch agency to appoint a dispatch medical director to provide supervision and oversight over the medical aspects of the operation of the emergency medical dispatch agency.

(d) The commission may require the submission of periodic reports from an emergency medical dispatch agency. The emergency medical dispatch agency must submit the reports in the manner and with the frequency required by the commission.

(e) An emergency medical dispatch agency shall report to the commission whenever an action occurs that may justify the revocation or suspension of a certificate issued by the commission.

Sec. 6. (a) The commission must require emergency medical dispatchers to participate in continuing emergency medical dispatch education and training.

(b) An emergency medical dispatcher education and training course must be approved by the commission and must be conducted by an instructor or instructors that meet qualifications established by the commission.

(c) A person may not offer or conduct a training course that is represented as a course for emergency medical dispatcher certification unless the course is approved by the commission and the instructor or instructors meet the qualifications established by the commission.

Sec. 7. The commission shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 28. IC 16-31-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) ~~An ambulance attendant or~~ A certified emergency medical technician or a certified emergency medical technician-basic advanced who provides emergency ambulance medical services to an emergency patient is not liable for an act or omission in providing those services unless the act or omission constitutes negligence or willful misconduct. If the ~~attendant or emergency medical technician or emergency medical technician-basic advanced~~ is not liable for an act or omission, no other person incurs liability by reason of an agency relationship with the ~~attendant or emergency medical technician or emergency medical technician-basic advanced~~.

(b) This section does not affect the liability of a driver of an ambulance for negligent operation of the ambulance.

SECTION 29. IC 16-31-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. An act or omission of a paramedic or ~~advanced~~ an emergency medical technician ~~technician-intermediate~~ done or omitted in good faith while providing advanced life support to a patient or trauma victim does not impose liability upon the paramedic or ~~advanced~~ emergency medical technician ~~technician-intermediate~~, the authorizing physician, the hospital, or the officers, members of the staff, nurses, or other employees of the hospital or the local governmental unit if the advanced life support is provided:

- (1) in connection with an emergency;
- (2) in good faith; and
- (3) under the written or oral direction of a licensed physician; unless the act or omission was a result of negligence or willful misconduct.

SECTION 30. IC 16-31-6-4, AS ADDED BY P.L.156-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.

(b) An act or omission of a paramedic, an ~~advanced~~ emergency

medical technician ~~technician-intermediate~~, an emergency medical technician ~~technician-basic advanced~~, an emergency medical technician, or a person with equivalent certification from another state that is performed or made while providing advanced life support or basic life support to a patient or trauma victim does not impose liability upon the paramedic, the ~~advanced~~ emergency medical technician ~~technician-intermediate~~, the emergency medical technician ~~technician-basic advanced~~, an emergency medical technician, the person with equivalent certification from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

- (1) in connection with a disaster emergency declared by the governor under IC 10-4-1-7 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and
- (2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

SECTION 31. IC 16-31-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 8.5. Emergency Medical Services Fund

Sec. 1. As used in this chapter, "agency" refers to the state emergency management agency established by IC 10-8-2-1.

Sec. 2. As used in this chapter, "fund" refers to the emergency medical services fund established by section 3 of this chapter.

Sec. 3. The emergency medical services fund is established to defray the personal services expense, other operating expense, and capital outlay of the:

- (1) commission; and
- (2) employees of the agency.

Sec. 4. The agency shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

Sec. 5. The treasurer of state shall invest the money in the fund that is not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

Sec. 6. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 32. IC 25-22.5-1-2, AS AMENDED BY P.L.255-2001, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

- (1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.
- (2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.
- (3) A paramedic (as defined in IC 16-18-2-266), an ~~advanced~~ emergency medical technician ~~technician-basic advanced~~ (as defined in ~~IC 16-18-2-6~~ IC 16-18-2-112.5), an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):
 - (A) during a disaster emergency declared by the governor under IC 10-4-1-7 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and
 - (B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.
- (4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their

official duties in Indiana.

(5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.

(6) A person administering a domestic or family remedy to a member of the person's family.

(7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.

(8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

(11) A dentist practicing the dentist's profession under IC 25-14.

(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.

(13) A nurse practicing the nurse's profession under IC 25-23. However, a registered nurse may administer anesthesia if the registered nurse acts under the direction of and in the immediate presence of a physician and holds a certificate of completion of a course in anesthesia approved by the American Association of Nurse Anesthetists or a course approved by the board.

(14) An optometrist practicing the optometrist's profession under IC 25-24.

(15) A pharmacist practicing the pharmacist's profession under IC 25-26.

(16) A physical therapist practicing the physical therapist's profession under IC 25-27.

(17) A podiatrist practicing the podiatrist's profession under IC 25-29.

(18) A psychologist practicing the psychologist's profession under IC 25-33.

(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.

(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(21) A hospital licensed under IC 16-21 or IC 12-25.

(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

- (A) a physician;
- (B) a psychiatric hospital;
- (C) a hospital;

- (D) a health maintenance organization or limited service health maintenance organization;
- (E) a health facility;
- (F) a dentist;
- (G) a registered or licensed practical nurse;
- (H) a midwife;
- (I) an optometrist;
- (J) a podiatrist;
- (K) a chiropractor;
- (L) a physical therapist; or
- (M) a psychologist.

(23) A physician assistant practicing the physician assistant's profession under IC 25-27.5.

(24) A physician providing medical treatment under IC 25-22.5-1-2.1.

(25) An attendant who provides care services as defined in IC 16-27-1-0.5.

(26) A personal services attendant providing authorized attendant care services under IC 12-10-17.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

- (1) the person performs an act that an Indiana statute does not authorize the person to perform; and
- (2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 33. IC 34-6-2-37.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 37.2. "Emergency medical technician-basic advanced", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.1.**

SECTION 34. IC 34-6-2-37.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 37.4. "Emergency medical technician-intermediate", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.2.**

SECTION 35. IC 34-18-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4. "Ambulance service" means a person who employs:**

- (1) emergency medical technicians;
- (2) ~~advanced~~ emergency medical ~~technicians;~~ **technicians-basic advanced;**
- (3) **emergency medical technicians-intermediate;** or
- (4) paramedics.

SECTION 36. IC 34-18-2-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 12.1. (a) "Emergency medical technician-basic advanced" has the meaning set forth in IC 16-18-2-112.5.**

(b) The term does not include a person while the person is operating an emergency vehicle.

SECTION 37. IC 34-18-2-12.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 12.2. (a) "Emergency medical**

technician-intermediate" has the meaning set forth in IC 16-18-2-112.7.

(b) The term does not include a person while the person is operating an emergency vehicle.

SECTION 38. IC 34-18-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 14. "Health care provider" means any of the following:**

- (1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, midwife, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, emergency medical ~~technician;~~ **technician-intermediate, emergency medical technician-basic advanced, or advanced** emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.
- (2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.
- (3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.
- (4) A home health agency (as defined in IC 16-27-1-2).
- (5) A health maintenance organization (as defined in IC 27-13-1-19).
- (6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).
- (7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:

- (A) as one (1) of its functions, provides health care;
- (B) is organized or registered under state law; and
- (C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action.

SECTION 39. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 10-4-1-5.5; IC 16-18-2-6; IC 16-31-3-15; IC 16-31-6.5-1; IC 34-6-2-4; IC 34-18-2-3.

SECTION 40. [EFFECTIVE JULY 1, 2003] **(a) Notwithstanding IC 16-31-3.5-3(a), as added by this act, the prohibition against an individual acting as an emergency medical dispatcher unless the individual is certified by the Indiana emergency medical services commission as an emergency medical dispatcher does not apply to an individual before July 1, 2005.**

(b) Notwithstanding IC 16-31-3.5-3(b), as added by this act, the prohibition against a person acting as an emergency medical dispatch agency unless the person is certified by the Indiana emergency medical services commission as an emergency medical dispatcher does not apply to a person before July 1, 2005.

(c) This SECTION expires July 2, 2005."

Page 6, delete lines 34 through 35, begin a new paragraph and insert:

"SECTION 41. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 216 as printed January 22, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 232, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 4. IC 36-4-3-5, AS AMENDED BY P.L.224-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition:

(1) signed by at least:

(A) fifty-one percent (51%) of the owners of land in the territory sought to be annexed; or

(B) the owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes; and

(2) requesting an ordinance annexing the area described in the petition.

(b) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(c) Except as provided in section 5.1 of this chapter, if the legislative body fails to pass the ordinance within one hundred fifty (150) days after the date of filing of a petition under subsection (a), the petitioners may file a duplicate copy of the petition in the circuit or superior court of a county in which the territory is located, and shall include a written statement of why the annexation should take place. Notice of the proceedings, in the form of a summons, shall be served on the municipality named in the petition. The municipality is the defendant in the cause and shall appear and answer.

(d) The court shall hear and determine the petition without a jury, and shall order the proposed annexation to take place only if the evidence introduced by the parties establishes that:

(1) essential municipal services and facilities are not available to the residents of the territory sought to be annexed;

(2) the municipality is physically and financially able to provide municipal services to the territory sought to be annexed;

(3) the population density of the territory sought to be annexed is at least three (3) persons per acre; and

(4) the territory sought to be annexed is contiguous to the municipality.

If the evidence does not establish all four (4) of the preceding factors, the court shall deny the petition and dismiss the proceeding.

(e) This subsection does not apply to a town that has abolished town legislative body districts under IC 36-5-2-4.1. An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(f) In a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the court shall hear and determine the petition without a jury and shall order the proposed annexation to take place only if the evidence introduced by the parties establishes that:

(1) essential city services and facilities are or can be made available to the residents of the territory sought to be annexed;

(2) the city is physically and financially able to provide city services to the territory sought to be annexed; and

(3) the territory sought to be annexed is contiguous to the city.

If the evidence does not establish all three (3) of the preceding factors, the court shall deny the petition and dismiss the proceeding.

SECTION 5. IC 36-4-3-11, AS AMENDED BY P.L.224-2001, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) Except as provided in section 5.1(i) of this chapter and subsection (d), whenever territory is annexed by a municipality under this chapter, the annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located a written remonstrance signed by: (1) if the annexation is by a city in a county with a population of

more than two hundred thousand (200,000) but less than three hundred thousand (300,000): (A) a majority of the owners of land in the annexed territory; or (B) the owners of more than seventy-five percent (75%) in assessed valuation of the land in the annexed territory; or (2) if the annexation is by a municipality that is not described in subdivision (1):

(A) (1) at least sixty-five percent (65%) of the owners of land in the annexed territory; or

(B) (2) the owners of more than seventy-five percent (75%) in assessed valuation of the land in the annexed territory.

The remonstrance must be filed within ninety (90) days after the publication of the annexation ordinance under section 7 of this chapter, must be accompanied by a copy of that ordinance, and must state the reason why the annexation should not take place.

(b) On receipt of the remonstrance, the court shall determine whether the remonstrance has the necessary signatures. In determining the total number of landowners of the annexed territory and whether signers of the remonstrance are landowners, the names appearing on the tax duplicate for that territory constitute prima facie evidence of ownership. Only one (1) person having an interest in each single property, as evidenced by the tax duplicate, is considered a landowner for purposes of this section.

(c) If the court determines that the remonstrance is sufficient, it shall fix a time, within sixty (60) days of its determination, for a hearing on the remonstrance. Notice of the proceedings, in the form of a summons, shall be served on the annexing municipality. The municipality is the defendant in the cause and shall appear and answer.

(d) If an annexation is initiated by property owners under section 5.1 of this chapter and all property owners within the area to be annexed petition the municipality to be annexed, a remonstrance to the annexation may not be filed under this section.

SECTION 6. IC 36-4-3-13, AS AMENDED BY P.L.170-2002, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as provided in subsections subsection (e), and (g); at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

(1) The requirements of either subsection (b) or (c).

(2) The requirements of subsection (d).

(b) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality.

(2) One (1) of the following:

(A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.

(B) Sixty percent (60%) of the territory is subdivided.

(C) The territory is zoned for commercial, business, or industrial uses.

(c) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality.

(2) That the territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably near future.

(d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written fiscal plan and has established a definite policy, by resolution of the legislative body as set forth in section 3.1 of this chapter. The fiscal plan must show the following:

(1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.

(2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.

(3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria. ~~However, in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the fiscal plan of a city must show that these services will be provided to the annexed territory within four (4) years after the effective date of the annexation and in the same manner as those services are provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, or population density.~~

(e) ~~This subsection does not apply to a city located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000):~~ At the hearing under section 12 of this chapter, the court shall do the following:

- (1) Consider evidence on the conditions listed in subdivision (2).
- (2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

- (i) Police and fire protection.
- (ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.

(C) The annexation is not in the best interests of the owners of land in the territory proposed to be annexed as set forth in subsection (f).

(D) One (1) of the following opposes the annexation:

- (i) At least sixty-five percent (65%) of the owners of land in the territory proposed to be annexed.
- (ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(f) The municipality under subsection (e)(2)(C) bears the burden of proving that the annexation is in the best interests of the owners of land in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:

- (1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or
- (2) under a contract in lieu of annexation entered into under IC 36-4-3-21.

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission to constitute the provision of water services to the territory to be annexed.

(g) ~~This subsection applies only to cities located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000):~~ However, this subsection does not apply if on April 1, 1993, the entire boundary of the territory that is proposed to be annexed was contiguous to

territory that was within the boundaries of one (1) or more municipalities: At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2):

(2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

- (i) Police and fire protection.
- (ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.

(C) One (1) of the following opposes the annexation:

- (i) A majority of the owners of land in the territory proposed to be annexed.
- (ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(h) (g) The most recent:

- (1) federal decennial census;
- (2) federal special census;
- (3) special tabulation; or
- (4) corrected population count;

shall be used as evidence of resident population density for purposes of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density.

SECTION 7. IC 36-4-3-16, AS AMENDED BY P.L.217-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) Within one (1) year after the expiration of:

(1) the one (1) year period for implementation of planned services of a noncapital nature under section 13(d)(4) of this chapter; or

(2) the three (3) year period for the implementation of planned services of a capital improvement nature under section 13(d)(5) of this chapter; or

~~(3) the four (4) year period for the implementation of planned services of a capital improvement nature under section 13(d)(5) of this chapter by a city for annexed territory in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000);~~

any person who pays taxes on property located within the annexed territory may file a complaint alleging injury resulting from the failure of the municipality to implement the plan. The complaint must name the municipality as defendant and shall be filed with the circuit or superior court of the county in which the annexed territory is located.

(b) The court shall hear the case within sixty (60) days without a jury. In order to be granted relief, the plaintiff must establish one (1) of the following:

(1) That the municipality has without justification failed to implement the plan required by section 13 of this chapter within the specific time limit for implementation after annexation.

(2) That the municipality has not provided police protection, fire protection, sanitary sewers, and water for human consumption within the specific time limit for implementation, unless one (1) of these services is being provided by a separate taxing district or by a privately owned public utility.

(3) That the annexed territory is not receiving governmental and proprietary services substantially equivalent in standard and scope to the services provided by the municipality to other areas of the municipality, regardless of topography, patterns of land use, and population density similar to the annexed territory.

(c) The court may:

(1) grant an injunction prohibiting the collection of taxes levied by the municipality on the plaintiff's property located in the annexed territory;

- (2) award damages to the plaintiff not to exceed one and one-fourth (1 1/4) times the taxes collected by the municipality for the plaintiff's property located in the annexed territory;
- (3) order the annexed territory or any part of it to be disannexed from the municipality;
- (4) order the municipality to submit a revised fiscal plan for providing the services to the annexed territory within time limits set up by the court; or
- (5) grant any other appropriate relief.

(d) A change of venue from the county is not permitted for an action brought under this section.

(e) If the court finds for the plaintiff, the defendant shall pay all court costs and reasonable attorney's fees as approved by the court.

(f) The provisions of this chapter that apply to territory disannexed by other procedures apply to territory disannexed under this section."

Page 9, line 4, delete "one" and insert "**two**".

Page 9, line 4, after "hundred" insert "**fifty**".

Page 9, line 5, delete "(\$100,000)" and insert "**(\$250,000)**".

Page 10, line 31, after "district" delete "." and insert "**for a district established under this chapter before July 1, 2003, and seven hundred fifty thousand dollars (\$750,000) per district for a district established under this chapter after June 30, 2003.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 232 as printed March 28, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

PELATH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 245, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 267, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 40, begin a new paragraph and insert:

"SECTION 2. IC 36-7-4-208, AS AMENDED BY P.L.276-2001, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 208. (a) ADVISORY. The county plan commission consists of nine (9) members, as follows:

- (1) One (1) member appointed by the county executive from its membership.
- (2) One (1) member appointed by the county fiscal body from its membership.
- (3) The county surveyor or the county surveyor's designee.
- (4) The county agricultural extension educator. **However, if the county does not have a county agricultural extension educator, the county extension board shall select a resident of the county who is a property owner with agricultural interest to serve on the commission under this subdivision for a period not to exceed one (1) year.**
- (5) Five (5) members appointed in accordance with one (1) of the following:

- (A) Four (4) citizen members, of whom no more than two (2) may be of the same political party and all four (4) of whom must be residents of unincorporated areas of the county, appointed by the county executive. Also one (1) township trustee, who must be a resident of an unincorporated area of the county, appointed by the county executive upon the recommendation of the township trustees whose townships are within the jurisdiction of the county plan commission.

- (B) Five (5) citizen members, of whom not more than three (3) may be of the same political party, and all five (5) of whom must be residents of unincorporated areas of the county appointed by the county executive.

If a county executive changes the plan commission from having members described in clause (B) to having members described in clause (A), the county executive shall appoint a township trustee to replace the first citizen member whose term expires and who belongs to the same political party as the township trustee. Each member appointed to the commission is entitled to receive compensation for mileage at the same rate and the same compensation for services as a member of a county executive, a member of a county fiscal body, a county surveyor, or an appointee of a county surveyor receives for serving on the commission, as set forth in section 222.5 of this chapter.

(b) ADVISORY. The metropolitan plan commission consists of nine (9) members, as follows:

- (1) One (1) member appointed by the county legislative body from its membership.
- (2) One (1) member appointed by the second class city legislative body from its membership.
- (3) Three (3) citizen members who are residents of unincorporated areas of the county, of whom no more than two (2) may be of the same political party, appointed by the county legislative body. One (1) of these members must be actively engaged in farming.
- (4) Four (4) citizen members, of whom no more than two (2) may be of the same political party, appointed by the second class city executive. One (1) of these members must be from the metropolitan school authority or community school corporation and a resident of that school district, and the other three (3) members must be residents of the second class city.

(c) AREA. When there are six (6) county representatives, they are as follows:

- (1) One (1) member appointed by the county executive from its membership.
- (2) One (1) member appointed by the county fiscal body from its membership.
- (3) The county superintendent of schools, or if that office does not exist, a representative appointed by the school corporation superintendents within the jurisdiction of the area plan commission.
- (4) One (1) of the following appointed by the county executive:
 - (A) The county agricultural extension educator.
 - (B) The county surveyor or the county surveyor's designee.
- (5) One (1) citizen member who is a resident of the unincorporated area of the county, appointed by the county executive.
- (6) One (1) citizen member who is a resident of the unincorporated area of the county, appointed by the county fiscal body.

(d) AREA. When there are five (5) county representatives, they are the representatives listed or appointed under subsection (c)(3), (c)(4), (c)(5), and (c)(6) and:

- (1) the county surveyor or the county surveyor's designee if the county executive appoints the county agricultural extension educator under subsection (c)(4); or
- (2) the county agricultural extension educator if the county executive appoints the county surveyor under subsection (c)(4).

(e) AREA. The appointing authority may appoint an alternate member to participate on a commission established under section 204 of this chapter in a hearing or decision if the regular member it has appointed is unavailable. An alternate member shall have all of the powers and duties of a regular member while participating on the commission."

(Reference is to SB 267 as reprinted January 31, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 289, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 311, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-5-1, AS AMENDED BY P.L.1-2003, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Limited criminal history" means information with respect to any arrest criminal charge, which must include a disposition. However, information about any arrest or criminal charge which occurred less than one (1) year before the date of a request shall be considered a limited criminal history even if no disposition has been entered.

(2) "Bias crime" means an offense in which the person who committed the offense knowingly or intentionally:

(A) selected the person who was injured; or

(B) damaged or otherwise affected property;

by the offense because of the color, creed, disability, national origin, race, religion, or sexual orientation of the injured person or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation.

(3) "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children less than eighteen (18) years of age.

(4) "Council" means the security and privacy council created under section 11 of this chapter.

(5) "Criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals. The term consists of the following:

(A) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(B) Information regarding a sex and violent offender (as defined in IC 5-2-12-4) obtained through sex and violent offender registration under IC 5-2-12.

(C) Any disposition, including sentencing, and correctional system intake, transfer, and release.

(6) "Certificated employee" has the meaning set forth in IC 20-7.5-1-2.

(7) "Criminal justice agency" means any agency or department of any level of government whose principal function is the apprehension, prosecution, adjudication, incarceration, probation, rehabilitation, or representation of criminal offenders, the location of parents with child support obligations under 42 U.S.C. 653, the licensing and regulating of riverboat gambling operations, or the licensing and regulating of pari-mutuel horse racing operations. The term includes the office of the attorney general. The term includes the Medicaid fraud control unit for the purpose of investigating offenses involving Medicaid. The term includes a nongovernmental entity that performs as its principal function the:

(A) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders;

(B) location of parents with child support obligations under 42 U.S.C. 653;

(C) licensing and regulating of riverboat gambling

operations; or

(D) licensing and regulating of pari-mutuel horse racing operations;

under a contract with an agency or department of any level of government.

(8) "Department" means the state police department.

(9) "Disposition" means information disclosing that criminal proceedings have been concluded or indefinitely postponed.

(10) "Inspection" means visual perusal and includes the right to make memoranda abstracts of the information.

(11) "Institute" means the Indiana criminal justice institute established under IC 5-2-6.

(12) "Law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders. The term includes the office of the attorney general.

(13) "National criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(14) "No contact order" means an order that prohibits a person from having direct or indirect contact with another person and that is issued under:

(A) IC 31-32-13;

(B) IC 31-34-17;

(C) IC 31-34-20;

(D) IC 31-37-16;

(E) IC 31-37-19-1;

(F) IC 31-37-19-6;

(G) IC 33-14-1-7;

(H) IC 35-33-8-3.2; or

(I) IC 35-38-2-2.3.

(15) "Noncertificated employee" has the meaning set forth in IC 20-7.5-1-2.

(16) "Protective order" has the meaning set forth in IC 5-2-9-2.1. The term includes a foreign protection order (as defined in IC 34-6-2-48.5).

(17) "Qualified entity" means a business or an organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care or care placement services, including a business or an organization that licenses or certifies others to provide care or care placement services.

(18) "Release" means the furnishing of a copy, or an edited copy, of criminal history data.

(19) "Reportable offenses" means all felonies and those ~~Class A~~ misdemeanors which the superintendent may designate.

(20) "Request" means the asking for release or inspection of a limited criminal history by noncriminal justice organizations or individuals in a manner which:

(A) reasonably ensures the identification of the subject of the inquiry; and

(B) contains a statement of the purpose for which the information is requested.

(21) "School corporation" has the meaning set forth in IC 20-10.1-1-1.

(22) "Special education cooperative" has the meaning set forth in IC 20-1-6-20.

(23) "Unidentified person" means a deceased or mentally incapacitated person whose identity is unknown.

(24) "Workplace violence restraining order" means an order issued under IC 34-26-6."

Page 2, after line 9, begin a new paragraph and insert:

"SECTION 3. IC 5-2-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) For each person arrested and charged by information or indictment with a ~~felony or with a Class A misdemeanor~~ reportable offense (as defined in IC 5-2-5-1) there shall be filed with the court having jurisdiction over the case:

(1) a fingerprint sample taken from the arrested person; and

(2) an affidavit, attached to or as an integral part of the fingerprint sample, from an employee of the law enforcement agency effecting the arrest that identifies the sample as taken

from the arrested person.

(b) The failure to file a fingerprint sample or an affidavit under subsection (a) is not a ground for the dismissal of a criminal action or the continuance of a criminal action."

Renumber all SECTIONS consecutively.

(Reference is to SB 311 as printed January 24, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 337, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "IC 4-4-31" and insert "IC 4-4-31.4".

Page 1, line 4, delete "31." and insert "31.4".

Page 1, line 4, after "American" insert "**Indian**".

Page 1, line 6, after "American" insert "**Indian**".

Page 1, line 10, delete "American"" and insert "**American Indian**".

Page 1, delete lines 15 through 17.

Page 2, delete lines 1 through 3.

Page 2, line 4, after "American" insert "**Indian**".

Page 2, line 8, delete "Americans" and insert "**American Indians**".

Page 2, line 10, delete "Americans" and insert "**American Indians**".

Page 2, line 32, after "American" insert "**Indian**".

Page 2, line 35, after "American" insert "**Indian**".

Page 2, line 37, delete "Americans" and insert "**American Indians**".

Page 3, delete lines 10 through 28.

Page 3, line 29, delete "9." and insert "**8.**".

Page 3, line 30, after "American" insert "**Indian**".

Page 3, line 34, after "American" insert "**Indian**".

Page 3, line 39, after "American" insert "**Indian**".

Page 4, line 3, delete "Americans," and insert "**American Indians**".

Page 4, line 9, after "American" insert "**Indian**".

Page 4, line 10, after "American" insert "**Indian**".

Page 4, line 13, after "American" insert "**Indian**".

Page 4, line 14, delete "Americans." and insert "**American Indians**".

Page 4, line 16, delete "Americans." and insert "**American Indians**".

Page 4, delete line 17.

Page 4, line 18, delete "10." and insert "**9.**".

Page 4, line 25, after "American" insert "**Indian**".

Page 4, line 27, after "American" insert "**Indian**".

Page 4, line 28, delete "under IC 4-4-31." and insert "**by IC 4-4-31.4.**".

Page 4, line 29, after "American" insert "**Indian**".

Page 4, line 31, after "American" insert "**Indian**".

Page 4, line 34, after "American" insert "**Indian**".

Page 4, line 38, after "American" insert "**Indian**".

Page 4, line 40, after "American" insert "**Indian**".

Page 4, line 42, after "American" insert "**Indian**".

Page 5, line 1, delete "IC 4-4-31-4," and insert "**IC 4-4-31.4-4.**".

Page 5, line 6, delete "IC 4-4-31-5(c)," and insert "**IC 4-4-31.4-5(c).**".

Page 5, line 9, delete "IC 4-4-31-5(a)(1)," and insert "**IC 4-4-31.4-5(a)(1).**".

Page 5, line 11, delete "IC 4-4-31-5(a)(1)," and insert "**IC 4-4-31.4-5(a)(1).**".

Page 5, line 13, delete "IC 4-4-31-5(a)(2)," and insert "**IC 4-4-31.4-5(a)(2).**".

Page 5, line 15, delete "IC 4-4-31-5(a)(1)," and insert

"**IC 4-4-31.4-5(a)(1).**".

Page 5, line 17, delete "IC 4-4-31-5(a)(1)," and insert "**IC 4-4-31.4-5(a)(1).**".

Page 5, line 19, delete "IC 4-4-31-5(a)(2)," and insert "**IC 4-4-31.4-5(a)(2).**".

(Reference is to SB 337 as reprinted February 25, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

PELATH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred Engrossed Senate Bill 375, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 2.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred Engrossed Senate Bill 438, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 42, delete "including providers" and insert "**at least one (1) of whom is a provider**".

Page 5, line 4, delete "utilities." and insert "**utilities, which must include the political subdivision that owns the largest waterworks utility in Indiana.**".

(Reference is to SB 438 as reprinted February 14, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Appointments and Claims, to which was referred Engrossed Senate Bill 490, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-34.1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 34.1. DEPARTMENT OF INDIANA HERITAGE Chapter 1. Definitions

Sec. 1. "Commissioner", for purposes of this article, refers to the commissioner of the department of Indiana heritage appointed under IC 4-34.1-3-2.

Sec. 2. "Department", for purposes of this article, refers to the department of Indiana heritage established by IC 4-34.1-2-1.

Sec. 3. (a) "Heritage", for purposes of this article, means all past and present manifestations in Indiana of:

- (1) Indiana history and folklore;
- (2) Indiana architecture, engineering, landscape design, and planning;
- (3) physical features created or shaped by human hands that have value and meaning to the people of the state; and
- (4) surviving remains of prehistoric and historic cultures.

(b) The term includes manifestations that are:

- (1) tangible or intangible;
- (2) in handwritten, printed, audio-visual, oral, or electronic form;

(3) designed and constructed or accrued over the passage of time; and

(4) located above or below ground.

Chapter 2. Establishment of Department of Indiana Heritage; Indiana Heritage Fund

Sec. 1. The department of Indiana heritage is established.

Sec. 2. The department consists of the office of the commissioner.

Sec. 3. The purpose of the department is to:

(1) promote and facilitate the preservation, enhancement, enjoyment, and educational interpretation of the varied forms of Indiana heritage; and

(2) perform other educational functions.

Sec. 4. (a) The department may accept gifts, bequests, and devises of personal and real property for the maintenance, use, or benefit of the department under terms and conditions and with obligations, liabilities, and burdens that the commissioner believes are in the best interest of the department.

(b) The department shall not assume any obligation, liability, or burden that exceeds appropriations made by law for the payment of such obligations, liabilities, and burdens.

Sec. 5. (a) The department of Indiana heritage fund is established as a dedicated fund to provide money for the department to carry out its statutory duties. The department shall administer the fund.

(b) The fund consists of the following:

(1) Appropriations to the department.

(2) Assets transferred to the department under a statute providing for the transfer of all or part of the powers and duties of another agency to the department.

(3) The proceeds from the sale of items by the department as directed by law.

(4) Gifts of money or the proceeds from the sale of gifts donated to the department.

(5) Investment earnings from any part of the fund.

(c) Subject to the approval of the budget agency, the department may establish additional accounts or combine existing accounts as necessary to carry out the duties of the department.

Chapter 3. Office of the Commissioner of the Department

Sec. 1. The office of the commissioner of the department is established.

Sec. 2. The governor shall appoint the commissioner, who serves at the pleasure of the governor. The commissioner is the executive and chief administrative officer of the department.

Sec. 3. The commissioner is entitled to compensation in an amount to be fixed by the budget agency with the approval of the governor.

SECTION 2. IC 14-8-2-77, AS AMENDED BY P.L.145-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]: Sec. 77. "Division" has the following meaning:

(1) For purposes of IC 14-9-8, the meaning set forth in IC 14-9-8-2.

(2) For purposes of IC 14-20-1, the meaning set forth in IC 14-20-1-2.

(3) For purposes of IC 14-21-1 and IC 14-20-1.1, the meaning set forth in IC 14-21-1-6.

(4) For purposes of IC 14-22, the division of fish and wildlife.

(5) For purposes of IC 14-24, the division of entomology and plant pathology.

(6) For purposes of IC 14-25.5, the division of water.

(7) For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-4.

(8) For purposes of IC 14-37, the division of oil and gas.

SECTION 3. IC 14-8-2-107, AS AMENDED BY P.L.145-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in

IC 14-9-8-21.

(3) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.

(4) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.

(5) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.

(6) For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.

(7) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.

(8) For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.

(9) For purposes of IC 14-19-4, the meaning set forth in IC 14-19-4-1.

(10) For purposes of IC 14-19-5, the meaning set forth in IC 14-19-5-1.

(11) For purposes of IC 14-20-1, the meaning set forth in IC 14-20-1-3.

(12) For purposes of IC 14-20-1.1, the meaning set forth in IC 14-20-1.1-1.

(13) For purposes of IC 14-20-11, the meaning set forth in IC 14-20-11-2.

~~(13)~~ **(14)** For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.

~~(14)~~ **(15)** For purposes of IC 14-22-4, the meaning set forth in IC 14-22-4-1.

~~(15)~~ **(16)** For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.

~~(16)~~ **(17)** For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.

~~(17)~~ **(18)** For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.

~~(18)~~ **(19)** For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.

~~(19)~~ **(20)** For purposes of IC 14-23-8, the meaning set forth in IC 14-23-8-1.

~~(20)~~ **(21)** For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

~~(21)~~ **(22)** For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

~~(22)~~ **(23)** For purposes of IC 14-25-11-19, the meaning set forth in IC 14-25-11-19.

~~(23)~~ **(24)** For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.

~~(24)~~ **(25)** For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

~~(25)~~ **(26)** For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

~~(26)~~ **(27)** For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

~~(27)~~ **(28)** For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(28)~~ **(29)** For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(29)~~ **(30)** For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(30)~~ **(31)** For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(31)~~ **(32)** For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 4. IC 14-10-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]: Sec. 1. The commission may do the following:

(1) Take the action that is necessary to enable the state to participate in the programs set forth in 16 U.S.C. 470 et seq.

(2) Promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Indiana history, architecture, archeology, and culture and expend money for the purpose of preparing comprehensive statewide historic surveys and plans, in accordance with criteria established by the commission, that comply with the standards

and regulations promulgated by the United States Secretary of the Interior for the preservation, acquisition, and development of the properties.

(3) Establish in accordance with criteria established by the United States Secretary of the Interior a program of matching grants-in-aid to public agencies for projects having as their purpose the preservation for public benefit of properties that are significant in American or Indiana history, architecture, archeology, and culture.

(4) Accept grants from public and private sources, including those provided under 16 U.S.C. 470 et seq.

(5) Set, collect, and review admission fees for historic sites.

SECTION 5. IC 14-20-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]: Sec. 8. (a) The division consists of the following two (2) sections:

(1) The section of museums.

(2) The section of historic sites.

~~(b) The division director may not serve as the head of a section of the division.~~

~~(c) An individual may not serve as the head of more than one (1) section of the division.~~

~~(d) (b)~~ There must be a separate line item for each section of the division in each bill appropriating money to the division.

SECTION 6. IC 14-20-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]: Sec. 9. The division may do the following:

(1) Undertake the action necessary to qualify the state for participation in sources of federal aid to preserve historic property, materials, items, sites, and memorials.

(2) Provide information on historic property, materials, items, sites, and memorials within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.

(3) Advise and coordinate the activities of local historical associations, historic district commissions, historic commissions, and other interested groups or persons.

(4) Provide technical and financial assistance to local historical associations, historic district commissions, historic commissions, and other interested groups or persons.

(5) Develop a program of interpretation and publication of the state's historical, architectural, and archeological resources.

(6) Collect and preserve objects of scientific and cultural value representing past and present flora and fauna, the life and work of man, geological history, natural resources, the manufacturing arts, and fine arts.

(7) Make and execute contracts or other instruments that are necessary or convenient to exercise the division's duties and powers.

(8) Establish and collect admission charges, fees, rent, and other user fees for the following:

(A) The state museum and historic sites.

(B) Restaurants and other facilities located at the state museum or historic sites.

(C) Programs, lectures, classes, tours, and trips provided at the state museum or historic sites.

(9) Employ or contract with a person to manage or operate any aspect of the state museum or historic sites.

(10) Make and sell merchandise, including publications, reproductions, educational and craft items, and souvenirs.

(11) Pay royalties, license fees, and charges for exhibits, artifacts, artwork, and other materials.

(12) Own and enforce the division's copyrights, trademarks, and service marks.

(13) Notwithstanding IC 5-22-22, under policies adopted by the division, sell, donate, or exchange artifacts in the division's collection to or with a public or nonprofit museum or historical society.

SECTION 7. IC 14-20-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]: Sec. 16. (a) The board of trustees for the division of state museums and historic sites is established.

(b) The trustees consist of thirteen (13) members as follows:

(1) The director of the department, who shall serve as chairman.

(2) Twelve (12) members appointed by the governor as follows:

(A) ~~One (1) member~~ **Three (3) members** of the Indiana State Museum ~~Society~~ **Foundation** who are nominated by the ~~Society~~ **Foundation**.

~~(B) One (1) member of the Indiana State Museum Volunteers nominated by the volunteers.~~

~~(C) (B)~~ Two (2) members must be recognized supporters of historic sites **who are nominated by a recognized supporter of historic sites.**

~~(D) (C)~~ Not more than seven (7) members may be members of the same political party.

~~(E) Not more than two (2) members may be from the same county.~~

~~(F) Each congressional district in Indiana must be represented by at least one (1) member.~~

(c) The terms of the appointed members shall be staggered.

(d) The governor shall make appointments under subsection (b) in a manner to achieve diversity and geographic balance among the trustees.

SECTION 8. IC 14-20-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]: Sec. 22. The trustees shall do the following:

~~(1) Nominate, when the position of division director is vacant, a person to be appointed by the director to that position. If the director rejects a nominee's appointment, the trustees shall nominate another person.~~

~~(2) Recommend, when appropriate, the dismissal of a division director.~~

~~(3) Make recommendations concerning the salary ranges of the administrative, professional, and technical staff of the division.~~

~~(4) (1)~~ Review the budget needs and requests of the division and make recommendations concerning the needs and requests to the governor through the director.

~~(5) (2)~~ Recommend that the department accept or reject, hold, or dispose of grants of property to be administered by the division for the purpose of preservation, research, or interpretation of significant areas, events, or grants to citizens of Indiana for the purpose of preserving, studying, and interpreting archeological and natural phenomena, cultural trends, and accomplishments.

~~(6) (3)~~ Review, guide, and assist in the development of statewide outreach programs.

~~(7) (4)~~ Review, guide, and assist in the development of professionalism of the staff and operations.

~~(8) (5)~~ Review, recommend, and devise methods to enable the division to do the following:

~~(1) (A)~~ Increase the division's physical plant.

~~(2) (B)~~ Expand the educational areas.

~~(3) (C)~~ Meet storage needs.

~~(9) (6)~~ Develop a plan of growth to meet physical, program, and financial needs for both the immediate and long range future, monitor the plan at regular intervals, and ensure that the institution stays within the developed plan.

~~(10) (7)~~ Recommend policies, procedures, and practices that the commission, the director, and the secretary shall consider.

~~(11) (8)~~ Give advice or make recommendations to the governor and the general assembly when requested or on the initiative of the trustees.

~~(12) (9)~~ Review the conduct of the work of the division. To implement this duty, the trustees have access at any reasonable time to copies of all records pertaining to the work of the division.

~~(13) (10)~~ Adopt bylaws consistent with this chapter for the division's internal control and management and file a copy of the bylaws with the director.

~~(14) (11)~~ Hold meetings at the times and places in Indiana that are prescribed by the bylaws, but at least quarterly.

~~(15) (12)~~ Keep minutes of the transactions of each regular and special meeting and file the minutes with the director. The minutes are public records.

~~(16) (13)~~ Promote the welfare of the division.

~~(17) (14)~~ Make recommendations concerning the administration

of the fund established by section 24 of this chapter.

SECTION 9. IC 14-20-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]:

Chapter 1.1. Historic Site Fund

Sec. 1. As used in this chapter, "fund" refers to the historic site fund established as a dedicated fund under section 2 of this chapter.

Sec. 2. (a) The historic site fund is established to provide funding for educational programs and the operation of historic sites. The fund shall be administered by the division.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 3. (a) Fees collected under IC 14-10-2-1(5) and proceeds from sales and leases under IC 14-20-1-23(b) shall be deposited in the fund.

(b) At least fifty-one percent (51%) of the fees collected under IC 14-10-2-1(5) from a particular historic site must be used for:

- (1) educational programs conducted at the historic site; and
- (2) the maintenance and operation of the historic site.

SECTION 10. [EFFECTIVE UPON PASSAGE] **(a)** As used in this SECTION, "department" refers to the department of Indiana heritage (IC 4-34.1-2-1, as added by this act).

(b) As used in this SECTION, "state agencies" means the following:

- (1) The department of natural resources, division of historic preservation and archeology.
- (2) The department of natural resources, division of museum and historic sites.
- (3) The Indiana historical bureau.
- (4) The Indiana state library.
- (5) The Indiana War memorials commission.
- (6) The commission on public records.

(c) The state personnel department and the budget agency shall do the following:

- (1) Examine the organizational structure, statutory duties, and existing functions of the state agencies.
- (2) Recommend the proposed organizational structure of the department.
- (3) Recommend existing state agencies to be transferred to the department.
- (4) Recommend the proposed organizational structure of boards and commissions at existing state agencies and at the department.
- (5) Determine the fiscal impact of the recommendations made under this subsection.

(d) The state personnel department and the budget agency shall prepare a report with the findings and recommendations under subsection (c). The report must be delivered to the governor and the legislative council before October 1, 2003.

(e) This SECTION expires December 31, 2003.

SECTION 11. An emergency is declared for this act.

(Reference is to SB 490 as printed February 25, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

HARRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 506, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-8.1-9.5-1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. For purposes of this chapter:

"Claimant agency" means any state department, institution, commission, committee, board, division, bureau, authority, officer, ~~or~~ official, **or clerk of a circuit court.**

"Debtor" means any person or legal entity that is delinquent in paying a debt to a claimant agency that has not been adjudicated satisfied by court order, set aside by court order, or discharged in bankruptcy.

"Debt" means any liquidated amount owed and due to a Title IV-D agency of another state, or to any claimant agency which has accrued through contract, subrogation, assignment for purposes of collection, tort, operation of law, or any other legal theory, regardless of whether there is an outstanding judgment for that sum."

Page 4, line 9, delete "six percent (6%)" and insert "three percent (3%)".

Page 4, line 10, delete "fee." and insert "fee and may transfer not more than three percent (3%) of the fee to the:

(1) county treasurer, if the fee is collected by a clerk of the circuit court, and the county treasurer shall deposit the money transferred under this subdivision into the county general fund; or

(2) city general fund, if the fee is collected by the city clerk or city clerk-treasurer."

Page 5, between lines 8 and 9, begin a new paragraph and insert: "SECTION 7. IC 33-19-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 6.5. Credit Card Service Fee

Sec. 1. This chapter applies to any transaction in which:

(1) the clerk is required to collect money from a person, including:

- (A) bail;
- (B) a fine;
- (C) a civil penalty;
- (D) a court fee or court cost; or
- (E) a fee for the preparation, duplication, or transmission of a document; and

(2) the person pays the clerk by means of a credit card, debit card, charge card, or similar method.

Sec. 2. A payment made under this chapter does not finally discharge the person's liability and the person has not paid the liability until the clerk receives payment or credit from the institution responsible for making the payment or credit. The clerk may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the clerk or charged directly to the clerk's account, the clerk may collect a credit card service fee from the person using the bank or credit card. The fee collected under this section is a permitted additional charge to the money the clerk is required to collect under section 1(1) of this chapter.

Sec. 3. The clerk shall forward credit card service fees collected under section 2 of this chapter to the county auditor or city or town fiscal officer in accordance with IC 33-19-1-3(a). These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 8. IC 35-33-8-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 9.** In addition to any other condition of bail imposed under this chapter, a defendant who posts bail by means of a credit card shall pay the credit card service fee if a credit card service fee is imposed under IC 33-19-6.5.

SECTION 9. IC 35-33-9-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 7.** In addition to any other condition of bail imposed under this chapter, a defendant who posts bail by means of a credit card shall pay the credit card service fee if a credit card service fee is imposed under IC 33-19-6.5."

Page 5, line 30, delete "six percent (6%)" and insert "three percent (3%)".

Page 5, line 31, delete "fee." and insert "fee and may transfer not more than three percent (3%) of the fee to the:

(1) county treasurer, if the fee is collected by a clerk of the circuit court, and the county treasurer shall deposit the money transferred under this subdivision into the county general fund; or

(2) city general fund, if the fee is collected by the city clerk or city clerk-treasurer."

Page 9, line 25, after "IC 11-13-1-8." insert "If the fees collected under IC 31-40-2-1, IC 31-40-2-1.5, IC 35-38-2-1, and IC 35-38-2-1.5 are not sufficient to comply with the minimum compensation requirements established under IC 11-13-1-8, the county council may by ordinance supplement the salary of a probation officer from the county general fund. However, a county is not required to increase probation officer salaries to comply with the minimum compensation requirements established under IC 11-13-1-8 if the fees collected under IC 31-40-2-1, IC 31-40-2-1.5, IC 35-38-2-1, and IC 35-38-2-1.5 are insufficient to do so."

Renumber all SECTIONS consecutively.

(Reference is to SB 506 as reprinted February 21, 2003.) and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

MOSES, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 367

Representative C. Brown called down Engrossed Senate Bill 367 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 367-1)

Mr. Speaker: I move that Engrossed Senate Bill 367 be amended to read as follows:

Page 2, line 20, delete "." and insert ";".

Page 2, after line 20, begin a new sub-paragraph and insert:

"(F) if not required under subsection (E), the report shall not include information that identifies the individual's employer;
(G) if an employer's information is required under (E), it shall only include that employer's standard industrial code or general category."

(Reference is to ESB 0367 as printed April 2, 2003.)

T. BROWN

Upon request of Representatives T. Brown and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 469: yeas 46, nays 47. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 479

Representative L. Lawson called down Engrossed Senate Bill 479 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 479-1)

Mr. Speaker: I move that Engrossed Senate Bill 479 be amended to read as follows:

Page 11, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 16. IC 35-37-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 4.5. Sex Crimes Victims and Polygraph Examinations

Sec. 1. As used in this chapter, "polygraph instrument" has the meaning set forth in IC 25-30-2-1.

Sec. 2. A law enforcement officer shall not require an alleged victim of an offense described in IC 35-42-4 to submit to a polygraph examination.

Sec. 3. A law enforcement officer shall not refuse to investigate, charge, or prosecute an offense under IC 35-42-4 solely because the alleged victim has not submitted to a polygraph examination.

Sec. 4. This chapter does not prohibit an alleged victim of an offense under IC 35-42-4 from voluntarily submitting to a polygraph examination."

Renumber all SECTIONS consecutively.

(Reference is to ESB 479 as printed April 4, 2003.)

L. LAWSON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 517

Representative Kuzman called down Engrossed Senate Bill 517 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 533

Representative Bottorff called down Engrossed Senate Bill 533 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 533-1)

Mr. Speaker: I move that Engrossed Bill 533 be amended to read as follows:

Page 2, line 8, after "permit." insert "When a person files a notice of intent under this subsection, the commissioner shall publish a notice requesting comments concerning the notice of intent. A comment period of at least thirty (30) days must follow publication of a notice under this subsection. During the comment period, interested persons may submit written comments to the commissioner concerning the notice of intent."

(Reference is to ESB 533 as printed March 28, 2003.)

HEIM

Motion prevailed.

HOUSE MOTION
(Amendment 533-2)

Mr. Speaker: I move that Engrossed Senate Bill 533 be amended to read as follows:

Page 2, delete lines 9 through 11, begin a new paragraph and insert:

"(d) A notice of intent filed under subsection (c) must:
(1) certify that the CAFO follows or will follow rules for CAFO NPDES permits adopted by the board; and
(2) include a copy of the site plan for the CAFO."

(Reference is to ESB 533 as printed March 28, 2003.)

HEIM

Motion prevailed.

HOUSE MOTION
(Amendment 533-4)

Mr. Speaker: I move that Engrossed Senate Bill 533 be amended to read as follows:

Page 1, line 4, delete "IC 13-18-10,".

Page 1, line 5, after "IC 13-18-19" delete ",".

Page 1, between lines 6 and 7, begin a new paragraph and insert:
"SECTION 2. IC 13-11-2-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40. "Confined feeding operation", for purposes of IC 13-18-10 and IC 13-30, means:

(1) any confined feeding of:

- (A) at least three hundred (300) cattle;
- (B) at least six hundred (600) swine or sheep; and
- (C) at least thirty thousand (30,000) fowl;

(2) any animal feeding operation electing to be subject to IC 13-18-10; or

(3) any animal feeding operation that is causing a violation of:

- (A) water pollution control laws;
- (B) any rules of the water pollution control board; or
- (C) IC 13-18-10.

A determination by the department under this subdivision is

appealable under IC 4-21.5.

SECTION 3. IC 13-11-2-164 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 164. (a) "Political subdivision", for purposes of IC 13-18-13, means:

- (1) a political subdivision (as defined in IC 36-1-2);
- (2) a regional water, sewage, or solid waste district organized under:

- (A) IC 13-26; or
- (B) IC 13-3-2 (before its repeal July 1, 1996); or
- (3) a local public improvement bond bank organized under IC 5-1.4.

(b) "Political subdivision", for purposes of IC 13-18-21, means:

- (1) a political subdivision (as defined in IC 36-1-2);
- (2) a regional water, sewage, or solid waste district organized under:

- (A) IC 13-26; or
- (B) IC 13-3-2 (before its repeal July 1, 1996);
- (3) a local public improvement bond bank organized under IC 5-1.4;
- (4) a qualified entity described in IC 5-1.5-1-8(4) that is a public water utility described in IC 8-1-2-125; or
- (5) a conservancy district established for the purpose set forth in IC 14-33-1-1(a)(4).

(c) "Political subdivision", for purposes of IC 13-19-5 and IC 13-30, has the meaning set forth in IC 36-1-2-13 and includes a redevelopment district under IC 36-7-14 or IC 36-7-15.1."

Page 3, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 7. IC 13-30-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Subject to IC 13-14-6 and except as provided in subsection (c), IC 13-23-14-2, and IC 13-23-14-3, a person who violates:

- (1) any provision of:
 - (A) environmental management laws;
 - (B) air pollution control laws;
 - (C) water pollution control laws;
 - (D) IC 13-18-14-1; or
 - (E) a rule or standard adopted by one (1) of the boards; or
- (2) any determination, permit, or order made or issued by the commissioner under:

- (A) environmental management laws or IC 13-7 (before its repeal);
- (B) air pollution control laws or IC 13-1-1 (before its repeal); or
- (C) water pollution control laws or IC 13-1-3 (before its repeal);

is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day of any violation.

(b) The department may:

- (1) recover the civil penalty described in subsection (a) in a civil action commenced in any court with jurisdiction; and
- (2) request in the action that the person be enjoined from continuing the violation.

(c) With respect to a violation under subsection (a) by a confined feeding operation of water pollution control laws or a rule or standard adopted by the water pollution control board relating to water pollution control laws, the person who commits the violation is liable for and the department shall impose:

- (1) a civil penalty of fifty thousand dollars (\$50,000) per day for a violation that represents three (3) or more violations in the five (5) year period that ends on the date the violation begins; and
- (2) a civil penalty of one hundred thousand dollars (\$100,000) per day for a violation that represents five (5) or more violations in the ten (10) year period that ends on the date the violation begins.

(d) The department shall distribute revenue that results from the amount of penalties under subsection (c) that exceeds twenty-five thousand dollars (\$25,000) per day as follows:

- (1) Seventy-five percent (75%) to the clean water Indiana fund established under IC 14-32-8.
- (2) Fifteen percent (15%) to the soil and water conservation

district in which the confined feeding operation is located. (3) Ten percent (10%) to the political subdivisions in which the confined feeding operation is located (other than the district referred to in subdivision (2)), in proportion to the most recently collected property tax levies of those political subdivisions."

Renumber all SECTIONS consecutively.

(Reference is to ESB 533 as printed March 28, 2003.)

T. BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 202

Representative Kuzman called down Engrossed Senate Bill 202 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 202-4)

Mr. Speaker: I move that Engrossed Senate Bill 202 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 32-28-3-1, AS AMENDED BY P.L.101-2002, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A contractor, a subcontractor, a mechanic, a lessor leasing construction and other equipment and tools, whether or not an operator is also provided by the lessor, a journeyman, a laborer, or any other person performing labor or furnishing materials or machinery, including the leasing of equipment or tools, for:

- (1) the erection, alteration, repair, or removal of:
 - (A) a house, mill, manufactory, or other building; or
 - (B) a bridge, reservoir, system of waterworks, or other structure; or
- (2) the construction, alteration, repair, or removal of a walk or sidewalk located on the land or bordering the land, a stile, a well, a drain, a drainage ditch, a sewer, or a cistern; or
- (3) any other earth moving operation;

may have a lien as set forth in this section.

(b) A person described in subsection (a) may have a lien separately or jointly upon the:

- (1) house, mill, manufactory, or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth:
 - (A) that the person erected, altered, repaired, moved, or removed; or
 - (B) for which the person furnished materials or machinery of any description; and
- (2) on the interest of the owner of the lot or parcel of land:
 - (A) on which the structure or improvement stands; or
 - (B) with which the structure or improvement is connected;

to the extent of the value of any labor done or the material furnished, or both, including any use of the leased equipment and tools.

(c) All claims for wages of mechanics and laborers employed in or about a shop, mill, wareroom, storeroom, manufactory or structure, bridge, reservoir, system of waterworks or other structure, sidewalk, walk, stile, well, drain, drainage ditch, cistern, or any other earth moving operation shall be a lien on all the:

- (1) machinery;
- (2) tools;
- (3) stock;
- (4) material; or
- (5) finished or unfinished work;

located in or about the shop, mill, wareroom, storeroom, manufactory or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth used in a business.

(d) If the person, firm, limited liability company, or corporation described in subsection (a) is in failing circumstances, the claims described in this section shall be preferred debts whether a claim or notice of lien has been filed.

(e) Subject to subsection (f), a contract: for the construction, alteration, or repair of:

- (1) **for the construction, alteration, or repair of a Class 2 structure** (as defined in IC 22-12-1-5);
- (2) **for the construction, alteration, or repair of an improvement on the same real estate auxiliary to a Class 2 structure** (as defined in IC 22-12-1-5); ~~or~~
- (3) **for the construction, alteration, or repair of property** that is:

- (A) owned, operated, managed, or controlled by a:
- (i) public utility (as defined in IC 8-1-2-1);
 - (ii) municipally owned utility (as defined in IC 8-1-2-1);
 - (iii) joint agency (as defined in IC 8-1-2.2-2);
 - (iv) rural electric membership corporation formed under IC 8-1-13-4;
 - (v) rural telephone cooperative corporation formed under IC 8-1-17; or
 - (vi) not-for-profit utility (as defined in IC 8-1-2-125); regulated under IC 8; and
- (B) intended to be used and useful for the production, transmission, delivery, or furnishing of heat, light, water, telecommunications services, or power to the public; **or**

(4) to prepare property for Class 2 residential construction; may include a provision or stipulation in the contract of the owner and principal contractor that a lien may not attach to the real estate, building, structure or any other improvement of the owner.

(f) A contract containing a provision or stipulation described in subsection (e) must meet the requirements of this subsection to be valid against subcontractors, mechanics, journeymen, laborers, or persons performing labor upon or furnishing materials or machinery for the property or improvement of the owner. The contract must:

- (1) be in writing;
- (2) contain specific reference by legal description of the real estate to be improved;
- (3) be acknowledged as provided in the case of deeds; and
- (4) be filed and recorded in the recorder's office of the county in which the real estate, building, structure, or other improvement is situated not more than five (5) days after the date of execution of the contract.

A contract containing a provision or stipulation described in subsection (e) does not affect a lien for labor, material, or machinery supplied before the filing of the contract with the recorder.

(g) Upon the filing of a contract under subsection (f), the recorder shall:

- (1) record the contract at length in the order of the time it was received in books provided by the recorder for that purpose;
- (2) index the contract in the name of the:
 - (A) contractor; and
 - (B) owner;
 in books kept for that purpose; and
- (3) collect a fee for recording the contract as is provided for the recording of deeds and mortgages.

(h) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit any material, labor, or machinery for the alteration or repair of an owner occupied single or double family dwelling or the appurtenances or additions to the dwelling to:

- (1) a contractor, subcontractor, mechanic; or
- (2) anyone other than the occupying owner or the owner's legal representative;

must furnish to the occupying owner of the parcel of land where the material, labor, or machinery is delivered a written notice of the delivery or work and of the existence of lien rights not later than thirty (30) days after the date of first delivery or labor performed. The furnishing of the notice is a condition precedent to the right of acquiring a lien upon the lot or parcel of land or the improvement on the lot or parcel of land.

(i) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit material, labor, or machinery for the original construction of a single or double family dwelling for the intended occupancy of the owner upon whose real estate the construction takes place to a contractor, subcontractor, mechanic, or anyone other than the owner or the owner's legal representatives must:

- (1) furnish the owner of the real estate:
 - (A) as named in the latest entry in the transfer books described in IC 6-1.1-5-4 of the county auditor; or
 - (B) if IC 6-1.1-5-9 applies, as named in the transfer books of the township assessor;
 with a written notice of the delivery or labor and the existence of lien rights not later than sixty (60) days after the date of the first delivery or labor performed; and
- (2) file a copy of the written notice in the recorder's office of the county not later than sixty (60) days after the date of the first delivery or labor performed.

The furnishing and filing of the notice is a condition precedent to the right of acquiring a lien upon the real estate or upon the improvement constructed on the real estate.

(j) A lien for material or labor in original construction does not attach to real estate purchased by an innocent purchaser for value without notice of a single or double family dwelling for occupancy by the purchaser unless notice of intention to hold the lien is recorded under section 3 of this chapter before recording the deed by which the purchaser takes title.

SECTION 2. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to ESB 0202 as printed April 2, 2003.)

BURTON

Motion prevailed.

HOUSE MOTION (Amendment 202-5)

Mr. Speaker: I move that Engrossed Senate Bill 202 be amended to read as follows:

Page 2, after line 18, begin a new paragraph and insert:

"(e) Subsection (d) does not apply to a municipal sewer lien under IC 36-9-23."

(Reference is to ESB 0202 as printed April 2, 2003.)

FOLEY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 454

Representative Weinzapfel called down Engrossed Senate Bill 454 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 454-2)

Mr. Speaker: I move that Engrossed Senate Bill 454 be amended to read as follows:

Page 25, after line 39, begin a new paragraph and insert:

"SECTION 35. IC 8-22-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) Except as provided in subsection (f), the commission may designate an area within the jurisdiction of an airport authority under IC 8-22-3 as an airport development zone if the commission finds by resolution the following:

- (1) In order to promote opportunities for the gainful employment of the citizens of the eligible entity and the attraction of a qualified airport development project to the eligible entity, an area under the jurisdiction of the airport authority should be declared an airport development zone.
- (2) The public health and welfare of the eligible entity will be benefited by designating the area as an airport development zone.

(b) If the airport development zone will be located in a consolidated city or in a county described in section 1(3), 1(4), or 1(5) of this chapter, the resolution adopted under subsection (a) must also include a finding that there has been proposed a qualified airport development project to be located in the airport development zone, with the proposal supported by:

- (1) financial and economic data; and
- (2) preliminary commitments by business enterprises that evidence a reasonable likelihood that the proposed qualified airport development project will be initiated and accomplished.

(c) If the airport development zone will be located in a city described in section 1(2) of this chapter, the resolution adopted under

subsection (a) must also include findings stating that the most recent federal decennial census for the city indicates that:

- (1) the unemployment rate for the city is at least thirteen percent (13%);
- (2) the population of the city has decreased by at least ~~twenty ten~~ **ten** percent (~~20%~~) (**10%**) as compared to the population reported in the preceding federal decennial census for the city;
- (3) the median per capita income for city residents does not exceed eighty percent (80%) of the median per capita income for all residents of the United States; and
- (4) at least twenty-five percent (25%) of the population of the city is below the federal income poverty level (as defined in IC 12-15-2-1).

(d) The resolution adopted under subsection (a) must describe the boundaries of the area. The description may be by reference to the area's location in relation to public ways or streams, or otherwise, as determined by the commission.

(e) If the airport development zone will be located in a county described in section 1(4) or 1(5) of this chapter, the resolution adopted under subsection (a) and any qualified airport development project to be located in the airport development zone, must be approved by the executive of:

- (1) the county, if the entire airport development zone or qualified airport development project will be located outside the boundaries of any municipality located in the county;
- (2) a municipality located in the county, if the entire airport development zone or qualified airport development project will be located within the boundary of the municipality; or
- (3) the county and a municipality located in the county, if the airport development zone or qualified airport development project will be located within the boundary of the county and in part within the boundary of the municipality.

(f) If the airport development zone will be located in a county described in section 1(5) of this chapter, the commission may designate the airport plus the area outside of the airport property but not to exceed a total area of three (3) square miles as an airport development zone, if the commission finds by resolution the following:

- (1) In order to promote opportunities for the gainful employment of the citizens of the eligible entity and the attraction of a qualified airport development project to the eligible entity, an area under the jurisdiction of the airport authority should be declared an airport development zone.
- (2) The public health and welfare of the eligible entity will be benefited by designating the area as an airport development zone."

Renumber all SECTIONS consecutively.

(Reference is to ESB 454 as printed April 4, 2003.)

C. BROWN

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 6

Representative Aguilera called down Engrossed Senate Bill 6 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 470: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 28

Representative Thomas called down Engrossed Senate Bill 28 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 471: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 57

Representative C. Brown called down Engrossed Senate Bill 57 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 472: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 75

Representative Hasler called down Engrossed Senate Bill 75 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 473: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 88

Representative Kromkowski called down Engrossed Senate Bill 88 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 474: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 117

Representative Porter called down Engrossed Senate Bill 117 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 475: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 121

Representative Day called down Engrossed Senate Bill 121 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 476: yeas 90, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill.

Engrossed Senate Bill 141

Representative Avery called down Engrossed Senate Bill 141 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 477: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 188

Representative Avery called down Engrossed Senate Bill 188 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 478: yeas 85, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 205

Representative Weinzapfel called down Engrossed Senate Bill 205 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 479: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 219

Representative Chowning called down Engrossed Senate Bill 219 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Stutzman was excused from voting.

Roll Call 480: yeas 92, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 225

Representative Herrell called down Engrossed Senate Bill 225 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 481: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 238

Representative Frenz called down Engrossed Senate Bill 238 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 482: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 242

Representative Cheney called down Engrossed Senate Bill 242 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 483: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 251

Representative Klinker called down Engrossed Senate Bill 251 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 484: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 259

Representative Goodin called down Engrossed Senate Bill 259 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Whetstone was excused from voting.

Roll Call 485: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 262

Representative Fry called down Engrossed Senate Bill 262 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 486: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

Engrossed Senate Bill 292

Representative Grubb called down Engrossed Senate Bill 292 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 487: yeas 93, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 304

Representative Reske called down Engrossed Senate Bill 304 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 488: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 314

Representative L. Lawson called down Engrossed Senate Bill 314 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 489: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 318

Representative Kromkowski called down Engrossed Senate Bill 318 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 490: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 332

Representative Frenz called down Engrossed Senate Bill 332 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 491: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 355

Representative Bischoff called down Engrossed Senate Bill 355 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 492: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 396

Representative C. Brown called down Engrossed Senate Bill 396 for third reading:

A BILL FOR AN ACT concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 493: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 417

Representative Stilwell called down Engrossed Senate Bill 417 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 494: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 435

Representative Bardon called down Engrossed Senate Bill 435 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 495: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 457

Representative Bardon called down Engrossed Senate Bill 457 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 496: yeas 81, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 461

Representative C. Brown called down Engrossed Senate Bill 461 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 497: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 475

Representative Bottorff called down Engrossed Senate Bill 475 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 498: yeas 91, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 482

Representative V. Smith called down Engrossed Senate Bill 482 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 499: yeas 63, nays 34. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 485

Representative Kuzman called down Engrossed Senate Bill 485 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 500: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 504

Representative C. Brown called down Engrossed Senate Bill 504 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations; consumer sales and credit.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 501: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 505

Representative Stevenson called down Engrossed Senate Bill 505 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 502: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 519

Representative Herrell called down Engrossed Senate Bill 519 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 503: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 523

Representative Avery called down Engrossed Senate Bill 523 for

third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 504: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 528

Representative Moses called down Engrossed Senate Bill 528 for third reading:

A BILL FOR AN ACT concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 505: yeas 69, nays 27. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 494 be reconsidered, pursuant to House Rule 95.

AVERY

Motion prevailed.

Engrossed Senate Bill 494

Representative Avery called down Engrossed Senate Bill 494 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 506: yeas 52, nays 44. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1049 because it conflicts with SEA 257-2003 without properly recognizing the existence of SEA 257-2003, has had Engrossed House Bill 1049 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1049 be corrected as follows:

Page 2, after line 19, begin a new paragraph and insert:

"SECTION 2. IC 10-13-3-36, AS ADDED BY SEA 257-2003, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 36. (a) The department may not charge a fee for responding to a request for the release of a limited criminal history record if the request is made by a nonprofit organization:

- (1) that has been in existence for at least ten (10) years; and
- (2) that:

- (A) has a primary purpose of providing an individual relationship for a child with an adult volunteer if the request is made as part of a background investigation of a prospective adult volunteer for the organization;
- (B) is a home health agency licensed under IC 16-27-1;
- (C) is a community mental retardation and other developmental disabilities center (as defined in IC 12-7-2-39); or

(D) is a supervised group living facility licensed under IC 12-28-5;

(E) is an area agency on aging designated under IC 12-10-1;

(F) is a community action agency (as defined in IC 12-14-23-2);

(G) is the owner or operator of a hospice program licensed under IC 16-25-3; or

(H) is a community mental health center (as defined in IC 12-7-2-38).

(b) The department may not charge a fee for responding to a request for the release of a limited criminal history record made by the division of family and children or a county office of family and children if the request is made as part of a background investigation of an applicant for a license under IC 12-17.2 or IC 12-17.4.

(c) The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made by a school corporation, special education cooperative, or non-public school (as defined in IC 20-10.1-1-3) as part of a background investigation of an employee or adult volunteer for the school corporation, special education cooperative, or nonpublic school."

(Reference is to EHB 1049 as printed March 19, 2003.)

PELATH, Chair
WHETSTONE, R.R.M.
FRENZ, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1154 because it conflicts with SEA 257-2003 without properly recognizing the existence of SEA 257-2003, has had Engrossed House Bill 1154 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1154 be corrected as follows:

Page 1, line 1, delete "IC 10-1-11" and insert "IC 10-11-8".

Page 1, line 4, delete "11." and insert "8.".

Page 2, line 14, delete "IC 10-1-11-7" and insert "IC 10-11-8-7".

(Reference is to EHB 1154 as reprinted March 19, 2003.)

PELATH, Chair
WHETSTONE, R.R.M.
HASLER, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1933 because it conflicts with SEA 257-2003 without properly recognizing the existence of SEA 257-2003, has had Engrossed House Bill 1933 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1933 be corrected as follows:

Page 2, after line 22, begin a new paragraph and insert:

"SECTION 3. IC 10-17-4-1, AS ADDED BY SEA 257-2003, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) **This section is subject to IC 10-16-7-5 and IC 10-16-7-6.**

(b) A person who:

(1) is a qualified member of the reserve components of the armed forces;

(2) is a member of the Ready Reserve;

(3) is a member of an organized unit;

(4) in order to receive military training with the armed forces of the United States not to exceed fifteen (15) days in one (1) calendar year:

(A) leaves a position other than a temporary position in the employ of an employer; and

(B) provides evidence:

(i) defining date of departure and date of return for purposes of military training ninety (90) days before the date of departure; and

(ii) of the satisfactory completion of the training immediately after the training is completed; and

(5) is qualified to perform the duties of the position described in clause (A);

is entitled to be restored to the person's previous or a similar position with the same status and pay.

(b) (c) Seniority continues to accrue during a period of absence described in subsection (a), and the period of absence for military training must be construed as an absence with leave. At the discretion of the employer, the leave may be with or without pay.

SECTION 4. IC 10-17-4-4, AS ADDED BY SEA 257-2003, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) **This section is subject to IC 10-16-7-5 and IC 10-16-7-6.**

(b) A person who, as a reserve member of the armed forces of the United States, is called upon to receive temporary military training is entitled to a temporary leave of absence from the person's employer not to exceed fifteen (15) days per calendar year. A person described in this section shall:

(1) provide the employer with evidence of the dates of the person's departure and return as soon as practicable before the person's departure; and

(2) furnish the employer, upon the person's return, evidence of the person's satisfactory completion of the training.

Upon the person's return, the person shall be restored to the person's previous or similar position, with the same status that the person held before leaving for the person's training period.

(b) (c) A leave granted under this section may be granted, with or without pay, within the discretion of the employer.

(c) (d) A temporary leave of absence granted under this section does not affect the rights of the person to vacation leave, sick leave, or other normal benefits of the person's employment."

(Reference is to EHB 1933 as printed March 28, 2003.)

PELATH, Chair
WHETSTONE, R.R.M.
AYRES, Author

Report adopted.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1001 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CRAWFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1140 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1519 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1689 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WEINZAPFEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1788 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

HASLER

Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

- EHB 1001 Conferees: Crawford and Espich
Advisors: Cochran, Avery, Turner, and Buell
- EHB 1056 Conferees: Goodin and Ruppel
Advisors: Kuzman and Heim
- EHB 1140 Conferees: C. Brown and Becker
Advisors: Mays and Lehe

RESOLUTIONS ON FIRST READING

House Resolution 54

Representative T. Adams introduced House Resolution 54:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study issues concerning public lakes.

Whereas, There is a need to coordinate the efforts of state, county, and local governmental entities in cooperation with lake residents and related organizations; and

Whereas, There is a need to monitor, review, and coordinate the implementation of the recommendations issued to the lake management work group under P.L.239-1997 and P.L.65-2000: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to establish an interim study committee to study issues concerning public lakes.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and adopted by voice vote.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 245 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1049.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1154.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1001:

Conferees: R. Meeks and Simpson
Advisors: Borst, Kenley, Hume, and Mrvan

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1056:

Conferees: Nugent and Sipes
Advisors: M. Young and Skinner

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1140:

Conferees: Miller and Breaux

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 169 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: C. Lawson, Chair; and Bowser

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 186 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Lubbers, Chair; and Rogers

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 422 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Borst, Chair; and Simpson
Advisors: Miller and Hume

MARY C. MENDEL
Principal Secretary of the Senate

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 219, Roll Call 480, on April 8, 2003. In support of this petition, I submit the following reason:

"I was present, but unable to vote before the machine had closed. I intended to vote yea."

NOE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: the final vote tally for Engrossed Senate Bill 219 is 92 yeas, 4 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 242, Roll Call 483, on April 8, 2003. In support of this petition, I submit the following reason:

"I was present, but unable to vote before the machine had closed. I intended to vote yea."

STINE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: the final vote tally for Engrossed Senate Bill 242 is 97 yeas, 1 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 389, Roll Call 461, on April 7, 2003. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

AYRES

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: the final vote tally for Engrossed Senate Bill 389 is 53 yeas, 47 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 528, Roll Call 505, on April 8, 2003. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

BORROR

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: the final vote tally for Engrossed Senate Bill 528 is 69 yeas, 27 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be added as cosponsor of Engrossed Senate Bill 88.

KROMKOWSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frenz be added as cosponsor of Engrossed Senate Bill 314.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as cosponsor of Engrossed Senate Bill 446.

FRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stilwell be added as cosponsor of Engrossed Senate Bill 486.

LIGGETT

Motion prevailed.

Pursuant to House Rule 156, conference committee meetings were announced.

On the motion of Representative Cochran, the House adjourned at 4:30 p.m., this eighth day of April, 2003, until Wednesday, April 9, 2003, at 10:00 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives